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Municipal Development Plan for the City of Halifax

Parts I and III

As amended to October 9

1987

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PREFACE

This Municipal Development Plan document is in three parts and reflects the Municipal Development Plan process followed to date by the City of Halifax and proposed to be followed in the future.

Part I includes the title, authority, and purpose of the official plan. It gives a brief general history of the Municipal Development Plan process in the City of Halifax and then reviews the Regional Plan context of the Plan.

Part II constitutes the Municipal Development Plan, with subsequent amendments, adopted by Halifax City Council and approved by the Minister of Municipal Affairs pursuant to the Nova Scotia Planning Act. Part II includes six development policy sections plus an implementation section: Section I sets out the basic approach and overall objectives of the Plan; Section II provides City-wide objectives and policies; Section III contains more detailed objectives and policies for the Central Business District (and, in that sense, may be considered a "detailed area plan"); similarly, Section IV sets out detailed objectives and policies for the Halifax Waterfront Development Area; Section V, for the South End Area; Section VI for the Peninsula Centre Area; Section VII for the Fairview Area; Section VIII for the Bedford Highway Area; Section IX for the Spring Garden Road Commercial Area; Section X for the Mainland South Area; and Section XII for the Quinpool Road Commmercial Area. The final section of Part II of the Plan is entitled "Implementation Policies."

Part III of this document, entitled "Programs and Procedures," is considered a part of the Municipal Development Plan document adopted by City Council, but does not constitute a part of the official Municipal Development Plan approved by the Minister of Municipal Affairs. The various programs and procedures in Part III will further the development and detailing of the Plan, but can be amended at the discretion of the City of Halifax without ministerial approval. It is envisioned that policies will develop through the various programs identified which will further the intent of the Plan. These will ultimately be put forward as amendments to the Plan as appropriate.

PART I
General

SECTION I Title and Authority
SECTION II Planning Process
SECTION III Regional Plan Context

SECTION I

TITLE AND AUTHORITY

Part II of this document and text, maps, plans and diagrams contained therein shall be known as the City of Halifax Municipal Development Plan. The Municipal Development Plan has been prepared pursuant to the provisions of the Planning Act, Part III, Chapter 16, RSNS, 1969, and in conformance to the provisions of Sections 12(1), 12(2) and 12(3) of the Planning Act with respect to the authority granted in Objective 11(A) and 11(B) Policies of the Halifax-Dartmouth Regional Development Plan, as approved by Order in Council of the Province of Nova Scotia on the 24th day of April, 1975, A.D.

The Municipal Development Plan covers all that area of land and water within the official boundaries of the City of Halifax, as described in Part II of the Halifax City Charter, Stats. N.S., 1963, Chapter 52, as amended. The Municipal Development Plan was prepared by the City of Halifax, and was adopted by the Council of the City of Halifax at its meeting of the thirtieth day of March, 1978, A.D., in accordance with the provisions of said Act; and was approved by the Honourable Glenn Bagnell, Minister of Municipal Affairs on the eleventh day of August, 1978, A.D.

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1. Order Number 75-442A

SECTION II

PLANNING PROCESS

Approach

The organization of this document, as described generally in its Preface, is consistent with the basic approach of the City of Halifax which is that "objectives, policies, plans and programs shall be identified and shall be the foundation for decision-making with regard to the physical, social and economic development of Halifax". The document, and more specifically, Part II (the Municipal Development Plan) and Part III (the programs and procedures for the Municipal Development Plan) reflect the established practise of the City of Halifax to proceed from objectives and policies to programs and procedures. This is consistent with the provisions of the Planning Act wherein requirements are set out for a Municipal Development Plan to include statements of policy to guide the future development of the City. The brief history of the Municipal Development Plan below perhaps best describes the planning process for the City of Halifax to date.

MDPC

The Municipal Development Plan Committee (MDPC) was created by City Council in the Spring of 1974 with a mandate to prepare a municipal development plan for the City. From March 1975, the Committee was chaired by the Mayor and included all ten Aldermen plus nine appointed citizens.

In addition to its responsibility for putting forward a municipal development plan, the MDPC had the task of seeking the views of the public. This was pursued in various ways including public meetings, "open house" discussions with City staff, the solicitation of written briefs, and discussions with community groups. A full-time Information and Liaison Officer was hired to help inform the public of the Committee's progress and to keep the Committee advised of concerns expressed in the community. The MDPC was succeeded by a Planning Advisory Committee (PAC) under the provisions of the Planning Act in March, 1980.

Objectives and Policies

The process of generating a plan was a long one. In proceeding from the general to the particular, from broad statements of what the City wished to achieve (objectives) to increasingly specific statements of how it intended to achieve these objectives (policies, guidelines and standards), City Council adopted several fundamental reports in the several months leading up to the adoption of this document.

Most important was the adoption in March, 1976 of the overall statement of where the City wants to go in the coming years. This Statement of Objectives and Policies was adopted after considerable staff work, lengthy public review and debate, and the revisions necessitated by the response to that review and debate. That document provided the basic planning framework for the more detailed policies and regulations which the City had to evolve under the Nova Scotia Planning Act. Similarly, the objectives and policies for the Central Business District and for the Halifax Waterfront Development Area were evolved with the assistance of the MDPC and of the Downtown Committee. Those statements were adopted by Council, after wide public review, in April of 1977. Taken together, those statements of objectives and policies form the basis of Part II, the Municipal Development Plan.

Having decided on the statements of objectives and policies, the next step was to focus in greater detail on the specific issues which require decisions to meet our needs for, on the one hand, protecting and preserving our residential environments and, on the other, providing for new growth and development. This led to the adoption of two major policy reports, Land Development Distribution Strategy and Areas for Detailed Planning in early 1977.

Land Development Distribution Strategy

The Land Development Distribution Strategy report examined the questions of "how much development?" and "where?". By evaluating ten alternatives which had differing population sizes concentrated in various areas of the City against the costs of services (such as police, fire, sewer, water, schools and parks) and against the objectives and policies, the City was able to develop a feel for the better size and distribution alternatives. "How much?" and "where?" says the City of Halifax can best accommodate a population of about 185,000 with primary emphasis on increasing the density of the Peninsula (which has declined in recent years) and encouraging development in Mainland North (that area between the Bicentennial Highway and Bedford). We should discourage development in Mainland South, at least for the immediate future.

Areas for Detailed Planning

The previous document addressed development trends in broad terms. In relation to protecting and making better use of what we have, the second report, Areas for Detailed Planning, was aimed at our already developed areas. It identified ten areas for which detailed area plans should be prepared: (1) The Old South End and Peninsula Centre, (2) Spring Garden Road Commercial Area, (3) Peninsula North, (4) Mainland South, (5) Fairview Cove/Negro Point, (6) Quinpool Road Commercial Area, (7) Bedford Highway Area, (8) Simpson's/ Eaton's Area, (9) Fairview Area and (10) the Watershed Lands. As other areas may well be identified in time as issues require, the Plan establishes the policy framework and procedures for this eventuality.

Heritage Resources

Late in the summer of 1977, the MDPC began consideration of another major report, An Evaluation and Protection System for Heritage Resources in Halifax. This report provides a policy for evaluating heritage resources; proposes the designation of more than a hundred buildings, areas, and streetscapes; and examines the legal policies which should be enacted to meet the City's needs. The Committee, with the assistance of

representatives from the Heritage Trust of Nova Scotia, the Technical University of Nova Scotia (School of Architecture), the Nova Scotia Association of Architects, Parks Canada, and the Halifax Landmarks Commission, also received and reviewed briefs from the general public. The report was ultimately adjusted and appropriate changes were made to this Plan on July 27, 1978.

Conclusions

All of these reports and policies melded together through the process described provide the document called the Municipal Development Plan which, coupled with appropriate regulations, meets the requirements of the Province for approval by the Minister of Municipal Affairs. This Plan also includes a series of statements (termed "strategy statements") for the continuing evolution and development of the Plan. Planning is a continuing process which does not end with the production of this Plan. As appropriate to this ongoing process and as a result of the strategy statements, the Plan should continually be amended and updated.

SECTION III

REGIONAL PLAN CONTEXT

Introduction

As stated in Part I, Section 1, the Municipal Development Plan has been prepared in the context of guidelines specified in the Regional Plan, April, 1975. That Provincial document, which was prepared pursuant to Section II of the Planning Act, provided for the assumption of the development control process by the Director of Community Planning of the Department of Municipal Affairs. The Regional Plan supersedes existing City zoning if such is in conflict with the provisions of the Regional Plan or until such time as the Municipal Development Plan comes into effect. At the time of adoption of this Plan many such conflicts were eliminated.

Intents

In the introduction of the Regional Plan document, its intents are stated to be the provision of ".... the spatial framework necessary to accommodate the growth of the region, to preserve the physical environment and to provide a setting for the delivery of the social services..." The Regional Plan is stated by the Province to be essentially a "control document", supported by various programs. These programs "... are subject to a constant evaluation process ..." The objectives of the Regional Plan specify that the three municipalities in the Metropolitan Area "... shall prepare municipal development plans ... within the framework of the Regional Development Plan ...."[1] The context of the Municipal Development Plan may be viewed, then, as focusing on the concerns of the City of Halifax as part of that evaluation process.

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[1] The specific mandate for the City of Halifax to prepare a Municipal Development Plan is found in Policy 1(B), p. 36, Objective 11(A) and Policy 11(B), p. 49 of the Regional Plan document.

Strategies

The strategies pursued in the Regional Plan centre on the magnitude of future population growth and the spatial distribution of that growth in terms of future land "use" patterns, transportation systems, and the maintenance of the natural environment.[2]

In the course of developing the Regional Plan, several alternative simulated growth situations or "scenarios" were examined. The selected alternative on which the Regional Plan is based is known as "Scenario 14". That scenario describes a target increase of population within the Census Metropolitan Area of 200,000 persons to an assumed population level of 435,000 possibly (although not necessarily) by 1991. This assumes an increase in urban serviced land of 20,000 acres.

The Regional Plan distributes "first priority" residential development to the areas of Bedford-Sackville, Cole Harbour and Halifax Mainland North. The Scenario 14 urban form distribution was predicated on the constraints of least-cost physical service delivery for a lower density suburban development type. The growth areas were designated on the basis of their geological and other environmental advantages such as relatively easy subsoil excavation as determined in background land capability studies. The Regional Plan policies facilitate the linking of the growth areas to major employment centres in Downtown Halifax, Dartmouth and Bedford-Sackville by establishing a regional road network designed to recognize the desirability of transit provision. The Regional Plan's encouragement of a modal split in favour of transit is intended to eliminate the necessity of expensive urban highway projects such as a south harbour bridge in favour of improved bus and ferry services. It should be noted, however, that the same reasoning does not appear to have been used to adequately resolve the question of a Northwest Arm crossing.

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[2] Use patterns are referred to in the Regional Plan as "Urban Form".

Policy Issues

A large number of issues arise directly from the present form and content of the Regional Plan. These issues centre on the magnitude and timing of growth, the disparity of the reality with the development and population forecasts as monitored by the ongoing Municipal Development Plan process, and changing energy consumption patterns and their long-range effects on urban form.

Form and Content

The Regional Plan is first and foremost a provincial government document. In the context of the Municipal Development Plan, it is reasonable to assume that those who are responsible for making decisions should consider the consequences of those decisions. The notion that the Municipal Development Plan process should comply with the Regional Plan has a certain logic from the point of view of the Province. However, this position should not be used to unnecessarily control or stifle the potentially differing aspirations of the City.

There are several criticisms which can be made of the Regional Plan from the perspective of the ongoing Municipal Development Plan process.

There is the example of the size and distribution of the population provided for, and the transportation network required to serve that population. As it was assumed that the Halifax-Dartmouth region would grow at a fairly rapid rate to a population of 435,000 by as early as 1991, a significant amount of land was allocated for future development and a transportation network (essentially a road system) was adopted to accommodate that population, its distribution and the presumed modal split.

Because the growth of the Metropolitan Area, as of most others in Canada, has been significantly slower than that which was felt to be desirable for the Regional Plan, there is now a significant disparity between the assumptions that went into the preparation of the Plan and reality. The development which was to occur in the environs of Halifax was seen as necessary to accommodate what would be essentially new growth. Instead, it seems

likely that a redistribution of the existing population of the Region has taken place. In this context, the City could find itself in the undesirable position of being witness to some of the processes which, in the past twenty-five years, have led to the massive decentralization of North American cities. The consequences are generally a redistribution of the tax base, the exacerbation of transporation problems and construction of new facilities to accommodate the same people who are abandoning similar facilities within the City of Halifax. Since the administration of the Regional Plan by the Province that results from the Planning Act is merely the enforcement of that Plan, it appears difficult to address this disparity without a fairly significant reconsideration of that Plan.

There is a lack of specific provision in both the Regional Plan and the Act for the ongoing evaluation or alteration of the Plan. It is, however, possible to solicit changes to the Regional Plan through the Municipal Development Plan that is subsequently adopted and approved by the Minister of Municipal Affairs. Presumably too, plan amendments might conceivably be recommended by the Metropolitan Area Planning Commission (MAPC). In summary, there is still no provision for any mechanism or responsibility for considering changes in the Regional Plan in order to maintain it and to ensure that it continues to be relevant to the changing situations of the Halifax area. (NOTE: A review of the Regional Development Plan was begun by the Province in January, 1980.)

Population Distribution Issues

It was noted above that the population distribution envisioned by the Regional Plan background studies (Scenario 14) was one area with which the City has some difficulty. The basis of this difficulty is more clearly developed in the report Land Development Distribution Strategy which is summarized in Part III of this document. In this Plan, the City has conformed generally to the intention of the Regional Plan with regard to population distribution as it relates to Mainland North and Mainland South, but it departs somewhat from the Regional Plan in its policy to encourage additional residential development on the Peninsula.

This stance does not explicitly conflict with that of the Regional Plan, but it is a matter which the City, by virtue of adopting the Land Development Distribution Strategy recommendations, intends to pursue.

Areas of Possible Conflict with the Regional Plan

The Halifax Municipal Development Plan proposed in Part II presents some possible conflict with the provisions of the Regional Plan on Map II, Appendix "C", Urban Form Policy, and Map III, Appendix "D", Proposed Transportation Network. Both maps are contained in the Halifax-Dartmouth Regional Development Plan document. The term "possible" has been used because, in many cases, it may be a matter of interpretation which should be resolved as part of the approval process for this Plan.

The Regional Plan urban form category, "Urban Mix (Commercial)", does not permit residential occupancies. This limits the flexibility of the interplay of proposed Municipal Development Plan policies wherein residential occupancies may indeed be a potential use in those areas defined on the Regional Plan Map, Appendix "C" as Urban Mix (Commercial).

The remaining areas of possible conflict with the Regional Plan are:

1. The Spring Garden Road Area is included in the Regional Plan Urban Form Policy Map as an "Urban Mix (Institutional/Commercial)" area. For this Regional Plan category, "commercial" is meant to include "local commercial", even though present uses in that area are and will continue to be of the City-wide commerical type (for example, hotels and offices).

2. Point Pleasant Park, the Halifax Commons and Fleming Park which are all City and regional recreation facilities in their own right are not depicted on the Regional Plan Urban Form Policy Map as regional parks, but rather they are included in the land use category called "Urban Mix (Residential)".

3. The "Proposed Transportation Network" (Map II, Appendix "D" of the Regional Plan) defines a recommended number of lanes for each of the highway links. This Municipal Development Plan (Part II, Section II, policy set 8) sets out a series of policies which accept a portion of

that network but do not include any proposals for the number of lanes for the links in the network. Rather, the approach proposed to be taken by the City is a management one wherein proposals for change to the existing network would be reviewed against a series of policies relating to the City's stance on transit emphasis and traffic management. In addition, that policy set calls for a re-evaluation of the regional transportation portion of the Plan.

Summary and Conclusions

This section has examined several facets of the interrelation of this Plan and the Regional Plan. There are few areas of conflict between the Plan and the Regional Plan, and it is likely that those can be resolved with relative ease. The regional transportation strategy should be considered, and when that is done, it is also likely that this Plan may require updating. One of the basic issues which is evident is that mechanisms for amending and maintaining the Regional Plan, similar to those put forward in Part III of this Plan, must be devised to avoid a growing disparity in their aims.

PART III

Programs and Procedures for the Municipal Development Plan

INTRODUCTION

SECTION I Strategy statements

SECTION II Monitoring, maintenance and review

SECTION III Administration and Procedures

INTRODUCTION

This part of the Municipal Development Plan contains three sections: Section I - Strategy Statements, Section II - Monitoring, Maintenance and Review Policies, and Section III - Administration and Procedures. The purposes of Part III are: (1) to outline strategies for ongoing planning with respect to certain functional areas or outstanding issues; (2) to ensure that Part II of this document (that is, the Municipal Development Plan) continues to be relevant and up-to-date, and therefore to reflect the true nature of planning as a process; and (3) to ensure that the Plan is administered in a clear and efficient way above and beyond that which is called for by the provisions of the Planning Act.

There is one essential element that should be noted in reviewing the contents of Part III itself and within the context of Part II. Part III reflects those policies, programs and procedures which the City should adopt, but which should not be included in the official Municipal Development Plan and therefore do not require approval of the Minister of Municipal Affairs. The purpose of this distinction and therefore of Part III of this document is to ensure that the City has the required degree of discretion in such areas as detailing programs and strategies outlined in the Municipal Development Plan itself, amending priority listings which do not change the intent of the Plan, defining a program of Plan review as part of the planning process and, notwithstanding the provisions of the Planning Act, defining administrative procedures which, while they would not conflict with the provisions of the Planning Act, would reflect the desires of the City with regard to such additional procedures and/or actions as the City may determine. There will, of course, be amendments to the Plan which may arise out of such actions of the City as the adoption of one of the required plans as they are completed, amendments to policies where review of the Plan indicates that a change in policy direction is warranted, and so on. Part III is intended to set out a program to be adopted by the City and to be controlled by the City for preparation and scheduling of these amendments as required.

It will be noted that this program is essentially consistent with the work program of the Municipal Development Plan Committee to date; that is, to amend the overall Municipal Development Plan document as appropriate when detailed area plans are completed and to amend the Municipal Development Plan as appropriate when detailed strategy statements, with respect to functional areas, are completed and adopted, and so on.

The final point to be made concerning the conceptual underpinnings of the distinction between Parts II and III of this document relates to the requirement of the Province that background studies should be made to justify policy statements contained in the official Municipal Development Plan. This, of course, is the case with respect to the adopted reports and recommendations dealing with the Land Development Distribution Strategy and the Areas for Detailed Planning process. Future strategy statements will, in the same manner, provide the basis for appropriate amendments to the Municipal Development Plan as they are forthcoming.

Part III is in three sections: Section I deals with Strategy Statements; Section II with Monitoring, Maintenance, and Plan Review; and Section III with Administration and Procedures.

The Strategy Statement section is organized into two subsections to include (1) those which have been adopted; and (2) those which are required.

The second section of Part III discusses the need for maintenance of an information base adequate to ensure that feedback on Plan directions is maintained. This will allow for an orderly Plan amendment process. It is recommended, for instance, that statistical indicators be updated annually, that an annual report be submitted to City Council in September of each year on progress with respect to further detailing of the Municipal Development Plan and associated bylaws, and that any Plan amendments which are justified as a result of this annual review be put forward after adoption by the City to the Province for approval by the Minister of Municipal Affairs.

The third section of Part III outlines a series of procedures, both statutory and administrative, which are recommended to ensure that the planning process and its relationship to the normal activities of the City are clear and that the various processes such as those for amendments, revisions, and repeals are known. Recommendations are also put forward concerning the structure and nature of the Planning Advisory Committee which is called for in Part II, Section II, Policy 11.1. This section also includes procedures recommended to be followed by the City, and, more specifically, by City staff in preparing reports to be submitted to City Council on matters relating to the Plan. Finally, there are procedures in this section put forward to deal with such matters as capital budget review, the maintenance of official copies of the Plan, the role of the Development Officer, and other ordinances and bylaws.

SECTION I

STRATEGY STATEMENT

1. Adopted Statements

This subsection includes summaries of the strategy statements prepared and adopted by City Council prior to adoption of the Municipal Development Plan. As well, the full text of the adopted recommendations is included. It will be noted in this case that many of these recommendations have been incorporated as part of the Municipal Development Plan. Those which have not continue to have the status of adopted City policy but will not require approval of the Minister of Municipal Affairs should amendments be desired (these are marked with an asterisk*). Finally, those adopted recommendations which have been superseded by the Municipal Development Plan have been duly noted.

In addition, this subsection includes strategy statements which were put forward for adoption by City Council as part of the adoption process for the MDP. These deal variously with heritage resources, recreation, zoning, subdivision controls, assessment review, citizen participation, and the Planning Advisory Committee. With the exception of the strategy statement on heritage resources, the remaining strategy statements in this subsection are incorporated where necessary in the text of the official Municipal Development Plan as set out in Part II of this document. It will be noted that in two cases (heritage resources and the recreation strategy), the full reports are not included in this document. Rather, because of the size of these documents, a summary is included along with reproduction of the full set of recommendations (copies of the full text of the documents are available at the Planning Information Office, City Hall).

1.1 Land Development Distribution Strategy

On April 20, 1977, upon recommendation of their Municipal Development Plan Committee, Halifax City Council adopted a set of policy recommendations based on a staff report entitled Land Development Distribution Strategy (Planning Department, June 1976) and a technical supplement to that report dealing with transportation. The staff report was

amended to incorporate the adopted recommendations of City Council and republished in 1977 as an official City of Halifax report of the same title. The report includes phasing considerations for future development, which specify priority areas where such development could most suitably be accommodated, and other areas where growth should be discouraged for the present. Recommendations were also made as to the appropriate types of policies to be followed to ensure that future development would respect the selected development strategy.

The analysis which led to selection of a preferred development strategy involved developing a set of alternative growth options in which both population levels and distributions were varied. The primary criterion against which these options were tested was one of the fiscal ability of the City to accommodate the various options. A second major criterion was the "fit" of the alternatives with the Statement of Objectives and Policies for the Municipal Development Plan (adopted by City Council on March 11, 1976).

In the case of the fiscal capacity criterion, a review was carried out of existing and planned municipal services (fire protection, libraries, multi-service facilities, police protection, recreation, schools, sewers, transportation and water) and a determination was made of those which are generally a function of population and those which, in terms of costs, were significantly related to both general location and levels of population. The latter group (sewer, water and transportation services) were then costed for each population alternative although the evaluation of alternatives also included considerations of the level of utilization of existing services. It is important to note in this regard that the impact of the alternatives on transportation services was analyzed using the regional transportation network (Appendix "D", Halifax-Dartmouth Regional Development Plan, April, 1975) as a basis.

The policy recommendations of the Land Development Distribution Strategy report (adopted on April 28, 1977), are listed below:

Area Priority for Development

That:

1. *The City encourage residential development during the next five years in Mainland North and on the Halifax Peninsula, and more specifically, that:*

   a) *the City examine the means by which to encourage sound neighbourhood development patterns in conformity with Policy 1.1(a) on the Peninsula, Policy 1.1.(b) in Mainland North, and which will support a transit emphasis on both the Mainland and Peninsula;*[1]

   b) *the City continue to encourage immediate development in Mainland North through its present commitment in the capital budget;*

   c) *the City establish a high priority for the completion of detailed area plans for those areas on the Peninsula designated in the report Areas for Detailed Planning, and for the resolution of the "soft area" classification of those areas on the Peninsula not located in the bounds of a designated detailed plan area, in order to develop standards which will permit and encourage infill housing to be developed on the Peninsula.*

2. *The City not permit any development in Mainland South outside the immediate development area designated on the Regional Plan Map, Appendix "C", of the Halifax-Dartmouth Regional Development Plan, 1975; and that within the immediate development area where any development proposal requires Council permission or action, the City shall require an assessment of the proposal by staff with regard to the Statement of Objectives and Policies, the adopted Land Development Distribution Strategy, and that such assessment include the potential impacts of the proposal on:*

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[1] *References here and below are to the policies of the Statement of Objectives and Policies adopted by City Council on March 11, 1976.*

i) the sewer system (including the budgetary implications)

ii) the water system

iii) the transportation system (including transit)

iv) existing public schools

v) existing recreation and community facilities

vi) the provision of police and fire protection services and any other matter deemed necessary by Council prior to any approval by City Council.

3. For any development proposal requiring Council approval more intensive than R-2 in use or five acres or more in size anywhere in the City, the City may require an assessment of the physical, social, economic, and environmental effects on the entire area which would be affected, in accordance with Policies 6.1 and 10.5 of the Statement of Objectives and Policies:

a) such assessments shall be made or reviewed by City staff until the larger questions associated with environmental assessment and the responsibility for their undertaking is investigated and reported upon separately;

b) such assessment shall be public documents and shall be available for comment by the public and the developer affected.

*4. That the City encourage future development within the following guidelines:

	Population (Estimated By Service Capacities)[1]
Peninsula Halifax	90,000
Mainland North	54,000
Mainland South	30,000
Mainland Centre	10,000
	184,000

1. City Services include sewer, water, transportation, police, fire, schools, recreation, libraries and multi-services.

Capital Budget Programming and Procedures

That:

*6. *In conformance with Policies 9.1 and 9.3 of the Statement of Objectives and Policies, the City ensure that the capital budget respond to and reflect the direction set by the selected land development distribution strategy. The capital budget format shall be revised to include and indicate the complete capital program by geographic areas as defined by the land development distribution strategy. The capital budget program should ensure that:*

a) the exploratory studies to identify the location and extent of problems with existing services and facilities in Mainland South, which have been undertaken under earlier budgeted projects, be continued in conjunction with capital projects to correct those problems which have been identified; and

b) the municipal services and facilities required to accommodate growth in Peninsular Halifax and Mainland North be provided by future capital projects.

Transportation

That:

7. The City identify a regional and arterial road network based upon the selected land development distribution strategy as stipulated in Policy 7.1 of the Statement of Objectives and Policies to incorporate the following specific recommendations:

i) that the City delay or seek to delay any decision to construct Northwest Arm Drive from the Herring Cove Road to Purcell's Cove Road and any decision to construct a Northwest Arm Bridge until:

a. the Halifax-Dartmouth Regional Development Plan, including the transportation plan, is re-evaluated as called for below;

b. detailed area plans have been completed for the Old South End and Peninsula Centre areas;

c. thorough impact studies of the road and the bridge on the natural, social and economic environments of Mainland South and the Halifax Peninsula have been made, evaluated and accepted by the City.

ii) that the City require all street and highway construction proposals in Halifax to conform to and demonstrate how they conform to the City's policy stance on a transit emphasis as described in Objective 7 and Policies 7.1, 7.4 and 7.5 of the Statement of Objectives and Policies; and

iii) that the City review all street and highway construction proposals in Halifax for conformity with the City's objectives regarding Traffic Management.

Plan Review

That:

8. The City monitor the selected land development distribution strategy and the accompanying capital budget program, and review such strategy in accordance with the provisions of the Nova Scotia Planning Act.

Regional Plan Implications

That:

9. As a result of the conclusion of the Land Development Distribution Strategy report, the City request that Scenario 14, which has provided the background data for the development of the Halifax-Dartmouth Regional Development Plan, be re-evaluated by the Province of Nova Scotia with respect to:

i) the distribution of population posed for the region;

ii) the level of population posed for the City of Halifax, particularly the decrease in peninsular population and the level of population posed for Mainland North;

iii) the adopted regional transportation plan in view of recent population distribution trends and the recommendations of the selected land development distribution strategy.

10. *The Halifax-Dartmouth Regional Develoment Plan should be adjusted according to the updating of the Scenario 14 background data.*

Municipal Develoment Plan Process(SUPERSEDED)

That:

11. a) *the preceding recommendations be adopted as part of the Municipal Development Plan;*

    b) *subsequent detailng of these recommendations will, upon adoption by City Council, be adopted as part of the Municipal Develoment Plan.*

1.2 Areas for Detailed Planning

Upon recommendation of their Municipal Develoment Plan Committee, Halifax City Council, on April 28, 1977, adopted a set of policy recommendations arising from a staff report entitled Areas for Detailed Planning (Planning Department, July 1976). The report was subsequently revised to include the recommendations as adopted and republished as an official report reflecting City policy.

The focus of the report is on setting a context for dealing with stability and change at the neighbourhood or area level. These two concepts have emerged from a recognition of the need to preserve and maintain the nature of the urban environment, while at the same time accommodating pressures for growth and development.

The basis for designating areas for detailed planning is the delineation of "hard" areas and "soft" areas. Hard areas are those buildings, groups of buildings, neighbourhoods or larger areas which are not expected to change in character or use within the timeframe of the Plan. Soft areas are those buildings, groups of buildings, neighbourhoods, larger areas or large tracts of vacant land which may change in character or use because of market pressures, social pressures and/or government decisions. The notion of hard and soft areas is simply a descriptive device for establishing agreement on those areas which require detailed planning analysis because of the high probability of a changing physical development pattern.

Having established the location of hard and soft areas throughout the City, the report proceeds to recommend areas to be designated for detailed planning which include residential, commercial, industrial and vacant land areas. A means of integrating the various planning areas is outlined and a priority list established. It will be noted that in Part II of this document the areas have been included as part of the official Municipal Development Plan, but the priority list has not been included. This decision has been made based on the need for the City to be able to vary its priority list without having to seek approval of the Minister of Municipal Affairs.

Finally, the report includes adopted policy recommendations dealing with the timing for detailed area plans, review of applications for development in hard areas, soft areas which are outside designated detailed area plan boundaries, and a planning posture for major land holdings of senior levels of government.

The adopted policy recommendations of the report entitled Areas for Detailed Planning (City of Halifax, 1977) are reproduced below.

That:

1. *The geographic definition of the areas for detailed planning is as shown on Map 2A (Revised March, 1977) attached (see Areas for Detailed Planning report), and as described more particularly below.*

   1. Residential Areas

   1.1 Mainland South Area

   This area is generally bounded by St. Margaret's Bay Road to the west, the Northwest Arm from the Rotary to the City limits to the north, thence along the City boundary to the south and west to the point of intersection of the City boundary with the property line of the Watershed lands (just north of Leiblin Drive), thence along the southern property line of the Watershed lands to St. Margaret's Bay Road.

1.2 *Old South End Area*

This area is generally bounded by Robie Street on the west; thence along Sackville Street (and its extension to Robie Street) to South Park Street; thence to Clyde Street, thence along Clyde Street to Queen Street, thence along Queen Street to Spring Garden Road, thence along Spring Garden Road and its extension to Halifax Harbour on the east, and generally west to the south end of MacLean Street, thence north on MacLean Street to the rear property lines of the properties on Inglis Street on the south side of Robie Street.

1.3 *Peninsula Centre*

This area is generally bounded by Robie Street to the east, Inglis Street to the south, the Northwest Arm to the west, and Jubilee Road to the north.

1.4 *Peninsula North Area*

This area is generally bounded by Cogswell Street and Quinpool Road to the south; Barrington Street to the east; Young Street to the north; and Windsor Street, Chebucto Road, and Monastery Lane to the west.

1.5 *Fairview Area*

This area is generally bounded by Howe Avenue and the Bedford Highway to the east; Rosedale Avenue to the south; Hillcrest Street to the west (to include the area zoned "mobile home park"); and the southern boundary line of Clayton Park to the north.

2. Commercial Areas

2.1 Central Business District

The CBD is generally bounded by Cogswell Street to the north, Halifax Harbour to the east, Salter Street and Spring Garden Road to the south, and Brunswick Street to the west.

2.2 Gottingen Street Commercial Area

This area extends approximately the length of Gottingen Street on both sides, from Cogswell Street to Uniacke Street.

2.3 Spring Garden Road Commercial Area

This area is generally bounded by Sackville Street to the north, Barrington and Queen Streets to the east, Clyde Street to the south, and South Park Street to the west.

2.4 Barrington Street South Commercial Area

This area extends from Spring Garden Road to Inglis Street, and includes commercially-zoned lands on both sides of Barrington Street.

2.5 Quinpool Road Commercial Area

This area is generally bounded by Robie Street to Poplar on the north side of Quinpool Road, and Robie Street to Beech Street on the south side of Quinpool Road, and generally follows the C-2 zoning line on the north and south sides of Quinpool Road.

2.6 Herring Cove Road Commercial Area

The planning area defined extends the full length of Herring Cove Road from the Rotary to the City boundary.

2.7 Simpson's/Eaton's Shopping Area

This area includes the vacant land adjacent to the Simpson's shopping complex on the west and north sides.

2.8 Dutch Village Road Commercial Area

This area includes both sides of Dutch Village Road and extends from Howe Avenue to Titus Street.

3. Public Lands

3.1 Fairview Cove/Negro Point Area

This area is generally bounded on the north by Bedford Basin and on the south by Lady Hammond Road, the northern boundary of Convoy Place and those lands north of the northern end of Gottingen Street.

4. Undeveloped Land

4.1 Watershed Lands

5. Other

5.1 Bedford Highway Area

The area suggested for a planning focus includes both sides of the Bedford Highway, extending from the Fairview Overpass to the City boundary.

*2. That, for management of commercial area planning, the integrated planning areas shown below are adopted:

Recommended Area	Major Commercial Area Included
Mainland South	Herring Cove Road
Old South End	Barrington Street South
Peninsula Centre	None
Fairview	Dutch Village Road
Peninsula North	Gottingen Street
Central Business District	Spring Garden Road and Gottingen Street

Recommended Area	Major Commercial Area Included
Spring Garden Road	None
Quinpool Road	None
Bedford Highway	None
Simpson's/Eaton's	None
Fairview Cove/Negro Point	None
Watershed Lands	None

3(a) That the Municipal Development Plan Committee reviewed the matter of interim controls and did not recommend that such controls be imposed at this time on the basis recommended in the staff report. The Municipal Development Plan Committee did recommend, however, that City Council instruct staff to review the zoning of the areas for detailed planning against the ability of the present or budgeted services of the City to meet the potential demands on those services under the present zoning. The Municipal Development Plan Committee agrees in principle with the proposition that, where areas are zoned in such a manner that they would impose additional costs on the City, or would adversely affect its budget priorities, such areas are improperly zoned and the zoning should be realigned to be in keeping with present capacities or budget commitments for services. **(Superseded)**

3(b) That City Council rezone all lands in the Mainland South area not included within the first priority areas as defined by the Urban Form Policy Map (Appendix "C") of the Regional Development Plan, and which are not zoned R-1 or R-2, to R-1. **(Superseded)**

4. That City Council adopt the priority list for commencing detailed area planning, as follows:

*

i) Old South End Area (including Barrington Street Commercial Area) and Peninsula Centre

ii) Spring Garden Road Commercial Area

iii) Peninsula North (including Gottingen Street Commercial Area)

iv) *Mainland South (including Herring Cove Road Commercial Area)*

v) *Fairview Cove/Negro Point (adopted Council policy on this area to be collated, representing City position at present, and a detailed area plan to proceed in this order)*

vi) *Quinpool Road Commercial Area*

vii) *Bedford Highway Commercial Area*

viii) *Simpson's/Eaton's Shopping Area*

ix) *Fairview Area (including Dutch Village Road Commercial Area)*

x) *Watershed Lands (recommended that staff investigate avenues for funding separate study for this area - not to be commenced as adjunct to Mainland South)*

*5. *That staff be instructed to prepare a planning and management strategy for detailed area planning, such strategy to include the following elements:*

i) *A framework for citizen participation procedures, based on Policy 1.4, Objective 10, and related policies, to be sufficiently flexible to allow the City and area residents in each designated area to define the precise nature of participation, taking into account local circumstances;*

ii) *Provision for the City to review and, on due consideration, adopt plans for the designated areas prepared by area residents;*

iii) *A time limit of two (2) years from date of commencement for preparation and adoption of detailed plans for the Old South End area, Mainland South area, and Peninsula North area, and one (1) year from date of commencement for all other areas, subject to a review of existing staff establishment, organization and budgets;*

iv) *The City-wide context to be considered in each area planning process, as defined by the Statatement of Objectives and Policies, and subsequent adopted policies developed therefrom; and*

v) *The dates for commencement of each of the detailed area plans, subject to a review of existing staff establishment, organization and budgets.*

6. *That all applications for development in "hard areas" be reviewed as to their conformity with the Statement of Objectives and Policies, with particular regard in residential "hard areas" to Policy 1.5.*

7. *For undeveloped land on the Halifax Mainland which is not included in an area designated for detailed planning, that control of development be based on Policy 1.1(b) of the Statement of Objectives and Policies, and subsequent adopted policies developed therefrom.*

8. *For those "soft areas", as shown generally on Map 2 (revised March 1977), (see Areas for Detailed Planning report), which are not included within the bounds of an area recommended for detailed planning, that staff be instructed to prepare an administrative program for resolution of their classifications as "soft areas"; such programs to ensure that those "soft areas" which are outside the bounds of a designated area, but which are related to it in terms of issues and problems, be done concurrently with the detailed area plan for the designated area.*

*9. *That the City develop and adopt a planning posture for major land holdings of senior levels of government, and that such background work as is necessary be undertaken as special studies by themselves using the Municipal Development Plan as a context.*

1.3 Heritage Resources

As part of the detailing of the policies from the Municipal Development Plan Statement of Objectives and Policies adopted in 1976, staff proceeded to prepare a report concerning the City's role in respect to heritage resources. That staff report entitled An Evaluation and Protection System for Heritage Resources in Halifax was published in 1977. Essentially, the report described a systematic procedure for dealing with heritage resources through the stages of identification, evaluation, designation and protection. The report was, upon the recommendation of the MDPC, adopted with minor revisions by City Council on July 21, 1978.

Part I is an overview which outlines the scope and purpose of the report, the context of the report in terms of the Municipal Development Plan Statement of Objectives and Policies, and provides a short discussion of the value of heritage resources to the City. Part II describes the proposed evaluation system and the procedure followed by staff to identify the resources of sufficient heritage value for designation. Part III presents the results of the first evaluation conducted by staff, listing the resources which were evaluated but not recommended for designation, and providing individual descriptions of resources recommended for designation by the Planning Department. Part IV is the beginning of the discussion of protection for designated resources. This part provides an overview of Canadian heritage legislation at both the provincial and municipal levels, and reviews a number of legislative and non-legislative protection methods used in Canada and the United States with a short evaluation of the advantages and disadvantages of each of these and the legislative changes necessary for use in Halifax. Part V then presents the protection methods which were considered most appropriate and recommended for use in Halifax. Part VI outlines a recommended administrative structure of procedures and participants to ensure that the identification, evaluation, designation, and protection process outlined in the report can be carried out.

The recommendations of the adopted report are reproduced below. Reference should be made to the full report for any clarification required.

Part II

II,1. *It is recommended that the minimum scoring level for listing Heritage Buildings be 45 points.*

II,2. *It is recommended that the minimum scoring level for listing Heritage Sites be 20 points.*

II,3. *It is recommended that the minimum scoring level for listing Heritage Streetscapes: Residential, Commercial be 105 points, and Heritage Streetscapes: Rowhousing be 120 points.*

II,4. *It is recommended that the minimum scoring level for listing Heritage Conservation Areas be 80 points.*

II,5. *It is recommended that the evaluation system as amended be adopted by the City and used for all future assessments of heritage resources.*

II,6. *It is further recommended that a procedure for offering the names of additional heritage resources for evaluation be established and these resources be assessed using the evaluation system.*

II,7. *It is recommended that City Council, upon adoption of a list of heritage resources, serve notice of intention to designate to the owners of the heritage properties, and concurrently advertise its intention to designate once a week for two successive weeks in the local paper.*

II,8. *It is recommended that the owners be given a period of 30 days to object to the designation. Objections should be served to the City Clerk and should contain specific reasons for the objection.*

II,9. *It is recommended that City Council hold a public hearing to determine whether the property should be designated.*

II,10. It is recommended that, subsequent to the public hearing, Council confirm the designation or remove the name of the property from the list.

II,11. It is recommended that Council then designate the heritage resources by bylaw.

Part III

III,1. The buildings designated as Halifax Landmarks by City Council in 1971 are recommended for designation as Heritage Buildings.

III,2. The buildings included in Part III were evaluated by the priority criteria and scoring system outlined in Part II, and are recommended for designation by City Council as Heritage Buildings.

III,3. The sites designated as Halifax Landmarks by City Council in 1971 are recommended for designation as Heritage Sites.

III,4. The sites included in Part III were evaluated by the priority criteria and scoring system outlined in Part II, and are recommended for designation by City Council as Heritage Sites.

III,5. The streetscapes included in Part III were evaluated by the priority criteria and scoring system outlined in Part II, and are recommended for designation by City Council as Heritage Streetscapes.

III,6. The Uniacke Square Urban Renewal Area has been designated as a Housing and Heritage Conservation Area by City Council, and is recommended for protection similar to that chosen for a Heritage Conservation Area.

III,7. The areas included in Part III, evaluated by the priority criteria and scoring system outlined in Part II, are recommended for designation as Heritage Conservation Areas.

Part V

V,1. *It is recommended that City Council seek legislative capacity in the City to regulate demolition permits for designated heritage resources, to regulate the conditions for their alterations, and to secure inducements for the retention, maintenance, and enhancement of designated heritage resources.*

V,2. *It is recommended that the City of Halifax maintain strict enforcement of Ordinance 157 for designated heritage structures.*

V,3. *It is recommended that the use of preservation easements, both positive and negative, be studied by City staff to determine the status of this method and the changes necessary for its use by the City of Halifax. It is further recommended that the City of Halifax seek necessary enabling legislation for the purpose of entering into these easements.*

V,4. *It is recommended that the use of restrictive covenants be studied by City staff to determine the extent to which they can be used under Common Law. It is further recommended that, if found necessary, the City seek a change in the City Charter to enable it to enter into restrictive convenants.*

V,5. *It is recommended that the City of Halifax budget an annual amount not to exceed $50,000, the excess of revenues over expenditures accumulated not to exceed $250,000 at any time, to ensure that a fund is available should purchase or financial involvement be considered by City Council for a designated heritage resource.*

V,6. *It is recommended that the City of Halifax, upon the purchase or lease of space for City use, consider accommodation in designated heritage structures.*

V,7. *It is recommended that the City of Halifax seek enabling legislation to make use of conservation easements with respect to the protection of heritage sites and that these easements be used whenever possible.*

V,8. *It is recommended that the City of Halifax acquire designated heritage sites by negotiation or purchase when acquisition is suitable to the situation.*

V,9. *It is recommended that the City of Halifax seek a change in the City Charter to enable the placement of plaques at designated heritage sites at City expense.*

V,10. *It is recommended that City staff investigate the possibility of making use of the Nova Scotia Planning Act, Part IV, Section 33(2)(c) (Comprehensive Development Districts) to protect Heritage Conservation Areas and Heritage Streetscapes.*

V,11. *In the event that this section of the Planning Act cannot be effectively used, it is recommended that Special Heritage Conservation Zones be used to protect Heritage Streetscapes and Heritage Conservation Areas under the provisions of the Nova Scotia Planning Act, Part IV, Section 33(2)(a).*

V,12. *It is recommended that the City of Halifax seek support, both legislative and monetary, from the Provincial Government to further the City's policies with regard to heritage conservation.*

V,13. *It is recommended that the City of Halifax encourage the Provincial and Federal Governments to pursue policies and programs to support heritage conservation within their respective jurisdictions.*

V,14. *It is recommended that the City of Halifax fully investigate the use of existing programs offered by senior governments to further heritage conservation efforts.*

V,15. *It is recommended that the City of Halifax also encourage private sector involvement in heritage conservation by such means as organizing a data bank of heritage information concerning successful recycling or restoration projects, including data on costs, sources of funding, and materials.*

V,16. *It is recommended that fines for contravention of the methods adopted be set at a level which provides a definite disincentive and in accordance with the damage they cause.*

V,17. *It is recommended that the City of Halifax pursue the preceding package of protection methods; adopting those which it is able to implement, and seeking to secure legislation to enable future adoption of the remaining methods. It is recommended that the City review its position with regard to these protection methods annually.*

Part VI

VI,1. *The City Manager is requested to advise City Council within ninety (90) days of the adoption of this report as to staffing requirements, as well as the possibility of appointment from the present staff complement in order to fill the position of Heritage Coordinator.*

VI,2. *It is recommended that Ordinance 123 be amended regarding the role and future membership of the Halifax Landmarks Commission and that, in its appointments under Ordinance 123, Halifax City Council be encouraged to seek nominees from persons with expertise in the areas of Architecture, History, Law, Planning, Real Estate, Business and Finance, Armed Forces, and as representative as possible of the Halifax community.*

VI,3. *It is recommended that the following procedures be implemented to carry out the protection methods (all Part VI, pp. 3-8)*

VI,4. *It is recommended that, upon final designation by City Council of a list of Heritage Resources (individual Heritage Buildings, individual Heritage Sites, heritage properties within Heritage Streetscapes and Heritage Conservation Areas), the list be forwarded to the Building Inspection Division.*

1.4 Recreation Strategy Statement

Purpose

On October 28, 1976, Halifax City Council forwarded to the Municipal Development Plan Committee a report entitled the Recreation Master Plan, which had been prepared by the Recreation Department. Subsequently, this document was referred back to City staff for review. The process which ensued has resulted in a staff report entitled Recreation Strategy (Planning Department, December, 1977). This report outlines the need for additional recreation lands and activities, and details the City's responsibility in providing for them. The purpose of this section is to summarize the main points of the staff report and reproduce the principles of the recommendations.

Summary

The time frame of this strategy statement is fifteen years, which has been broken into three five-year phases from 1978 to 1992. The primary issues involved can be identified as the provision of neighbourhood and community parks to meet local needs, and the provision of facilities to serve all of Halifax rather than specific parts.

The report describes the hierarchy of recreation resources which exist in, and are required for, the City, ranging from small local parks to national parks. The responsibility for developing and maintaining the different parts of the recreation hierarchy is shared by many, including the three levels of government and by private enterprise. Even in the public sector, and within the geographical area of the City, the divisions of responsibilities are diverse. Municipal responsibilities for the provision of recreation opportunities span the spectrum of provision, but the priority is to provide, develop, and upgrade local resources and facilities, or more specifically, neighbourhood and community parks. The function and desired physical characteristics of such areas are described in this report.

Since the program of recreation provision is required to meet the needs and wishes of the community is expensive and will involve both considerable capital and operating costs, it is imperative that the City make every effort to find supportive funding and to encourage maximum and best use of available lands and facilities. These intents are expanded upon by the development of the concepts of joint provision and multiple use (Policies 6.8 and 6.13). These concepts do not provide a panacea, but if used constructively as management techniques, can make more constructive use of resources, both physical and financial.

To provide a recreation service to the residents of Halifax, the City must base such a service on sound criteria. To facilitate the administrative process, and to respond to the policies, space standards have been developed as part of the process. But it is stressed that such standards must be applied with caution. It is desirable to achieve not only the proper ratio of land; it is essential to ensure that this land is distributed equitably throughout the City and that it is efficiently managed and maintained. These latter considerations are important, because by efficient management and adequate maintenance, the existing and proposed recreation lands and facilities will be better able to serve users, despite the pressures exerted upon them.

Because the two distinct areas of the City, the Peninsula and the Mainland, differ considerably in pattern and density of development, the amount of current recreation land, and most important of all, the potential additional amount of recreation land, two recommended standards for local recreation land supply in developed areas have been identified. In addition, it is anticipated that significant new residential developments on the Mainland will be self-sufficient in terms of recreation land supply in accordance with Policies 6.9 and 6.10. Where such self-sufficiency is not achieved, the recommended standards for provision of lands and facilities on the Mainland will apply.

Having ascertained a statistical standard for the supply of recreation open space in acres per 1,000 persons, its application as a management technique must ensure that the supply is distributed equitably throughout the City; the aim is to bring most people within the service area of a neighbourhood or community park. The report then identifies standards for recreation facilities and, as far as possible, these were developed to be specific to the Halifax situation.

Having developed standards for the provision of neighbourhood and community parks and facilities, the next step was to identify those parts of the City where these standards already pertain, and at the other end of the spectrum, those communities which do not have the use of such lands and facilities. Although the requirement for neighbourhood and community parks and facilities is, and will continue to be, great, and although the need is, and will be, acute in specific parts of the City, there is not an overall shortage of open space resources in the City, nor in the immediate vicinity of the City. The problem is to rectify the worst of the local deficiencies and to make better use of existing lands and facilities.

Recommendations

The recommendations below are summaries of the recommendations from the Recreation Strategy Report.

1. *The Peninsula*

   The following recommendations accept the complexities of open space use on the Peninsula, but provide ways in which the total amount of land for neighbourhood and community use can be increased and the existing land used to best advantage.

1.1 *The City should actively pursue the policies pertaining to joint provision and multi-use land and, in this context, should:*

   (a) enter into an agreement with St. Mary's University and continue its agreement with Dalhousie University by which there is, or will be, some public use of both playing fields and facilities;

(b) *proceed to negotiate with the Government of Canada to attempt to acquire, by lease or other arrangement, land in CFB Windsor Park and CFB Willow Park for use for recreation purposes.*

1.2 *As lands are acquired and developed for community recreation purposes on the Mainland, some of the pressure on Peninsula Halifax and on the Commons in particular will decrease. To an increasing extent, this land should be available for local neighbourhood and community use.*

1.3 *As the functions accommodated in the Halifax Forum are relocated to Metro Centre or elsewhere, the land between Almon, Windsor, and Young Streets, and the postal sorting station should remain in public ownership and be developed for community-oriented uses.*

1.4 *Subject to further studies of the lands in the Fairview Cove/City Dump/Negro Point area to the north of Peninsula Halifax, it is recommended that land in that area be identified for recreation purposes.*

2. *The Mainland*

In preparing the Land Development Distribution Strategy for the Municipal Development Plan, the Mainland was split into three areas: south, centre and north. In order to improve the supply of recreation land to meet the present (1978) requirement based on these divisions, the acquisition of about 40 acres of land on the Mainland is recommended, located as follows:

2.1 *A site in South Spryfield to be used as a communitypark to serve a catchment of approximately 3,600 people.*

2.2 *A site to the west of Kline Heights and Armdale to serve a catchment of 3,200 people with community park activities.*

2.3 *A site in the southwest Mainland to be developed when this area is released for residential development.*

2.4 *A site behind South Armdale Community Recreation Centre in order to expand the existing sports facilities.*

2.5 *A site in Kline Heights to expand the play facilities.*

2.6 *A major site between Dunbrack Street and the Bicentennial Highway in upper Fairview to serve as the site for a recreation and sports facilities complex in Mainland North, in order to ease some of the pressure on existing facilities in Fairview, as well as providing City-serving facilities.*

2.7 *A site to replace Donaldson Park which was destroyed during the construction of Dunbrack Street.*

In addition to the acquisition of land, the City should enter into an agreement with Mount St. Vincent University which would permit some public use of the University's open space and facilities.

3. *Administrative*

It is recommended that:

3.1 *The City review the land standards as they apply to the Peninsula and to the Mainland at least every three years, and include in its review consideration of the implementation program.*

3.2 *During the early phases of the implementation program, the emphasis must, first, be upon rectifying the identified short-falls in existing neighbourhood and community recreation opportunities through land acquisition, the development of facilities and making the most of existing resources.*

3.3 *Future provision of neighbourhood and community parks or the upgrading of existing ones must take the following issues into consideration:*

a) *location - the site must be accessible to the population it is to serve, and it must be visible;*

b) site - the configuration, size and quality of the site must be such to satisfy the needs of the population served;

c) activities/equipment - the wishes and needs of the community must be taken into account in deciding the provision of activities and equipment;

d) maintenance - the management of the parks must ensure that site conditions and equipment are adequately maintained and, wherever possible, improved over time.

3.4 The planning, administration and implementation of this strategy should be the responsibility of the Recreation Department.

1.5 Zoning Strategy

This strategy statement is organized into five sections: covering mandate, existing situation, a new zoning bylaw, the Municipal Development Plan process and the recommended zoning strategy.

Mandate

The mandate for the City of Halifax to zone is found in Section 33(1) of the Planning Act.

> 33(1) A Council shall, upon the adoption of a Municipal Development Plan, pass a zoning bylaw for the purpose of carrying out the intent of the plan.

The guidelines of the Department of Municipal Affairs emphasize consistency between the zoning bylaw and policies (including the future land use map) of the Plan. The Department discourages extensive "pre-zoning" and encourages an exclusive, rather than cumulative, zoning format.

The Halifax-Dartmouth Regional Development Plan echoes the Provincial mandate to zone with its Urban Form Policy map and list of permitted uses of land.

The key guideline established by the Department of Municipal Affairs for zoning is that the zoning bylaw be consistent with the Municipal Development Plan policy and with the expression of those policies in the future land use map. Therefore, in developing and

recommending the zoning strategy outlined in this subsection of the document, due regard has been given to consistency with the Generalized Future Land Use Map (Map 9).

Finally, it should be noted that Section 33 of the Planning Act enables several zoning techniques to be used which may be considered departures from the traditional forms of zoning. In this zoning strategy, it is argued that some of these, by virtue of the Municipal Development Plan process to date, are appropriate for use by the City of Halifax in amending its zoning bylaws to reflect the intents of the Plan.

Existing Situation

At the present time there are two zoning bylaws in force in the City of Halifax: the Peninsula Bylaw and subsequent amendments adopted in 1950, and the Mainland Bylaw and subsequent amendments adopted in 1969. The two bylaws are independent of any plan adopted by the City. Through the years, these bylaws have been the subject of several amendments, all without the benefit of a plan as defined by the Planning Act to guide them.

It would be incorrect to state that there are no problems with the bylaws in their present form, but the problems that do exist can - for the present - be surmounted by a continuing review and amendment process. The primary problem with the existing zoning lies not so much with the bylaws as with the districting. It is appropriate, on the Peninsula in particular but on the Mainland as well, that many of the districts were established to reflect once hoped-for future uses, rather than to protect those of the present.

New Zoning Bylaw

As stated previously, zoning follows from and is dependent upon a municipal development plan. The Planning Act requires a zoning bylaw to be submitted as a supplementary document to a municipal development plan submitted for approval of the Minister of Municipal Affairs. Throughout the development of the Municipal Development Plan, a "revised zoning bylaw" has been discussed. The City is

of the opinion that many of the needed revisions can - and should - be made through the ongoing process of amending and updating bylaws. This is not to say that a better bylaw could not be drafted. One could. However, to do so properly will take considerable time. The City therefore should view such a process as a goal for the next three to five years. For the meantime, the present bylaws, even with some of their more dated techniques (such as cumulative uses), do serve our needs, especially in so-called hard areas. For other areas, the detailed area plan process will help to identify the new techniques we should include.

It should also be noted that zoning is but one of the several related techniques to carry out the intent of the Plan. Other tools include building codes, planned unit development regulations, impact assessment review procedures and budgets.

The City of Halifax has pursued a municipal development plan process, the essential element of which is that planning is a process. A brief outline of this process and its relation to the proposed zoning strategy is outlined below.

Municipal Development Plan Process

During the course of reviewing the Statement of Objectives and Policies, considerable attention was given to the notion of stable (hard) and unstable (soft) neighbourhoods. As finally expressed in the Statement of Objectives and Policies, unstable neighbourhoods are to undergo a process of detailed area planning to resolve their "soft" area classification. The general criterion used in defining soft areas was one of determining the extent to which the existing development pattern of any given area could be altered through development permitted as of right, based on the provisions of the present zoning bylaw. In a subsequent report (Areas for Detailed Planning), the City carried this concept, which was expressed in general policy form in the Statement of Objectives and Policies, further to designate specific areas throughout the City which, because of the predominance of the soft area classification, should be the subject of a detailed area planning process. In that report several soft areas which did

not fall within the bounds of a particular area designated for detailed planning were identified. The City determined that an administrative program for resolution of those soft area classifications should be undertaken.

Finally, in accepting the descriptive device of hard areas and soft areas, the City concluded that present zoning policy in the hard areas was adequate at present.

Another policy direction which arose from the Statement of Objectives and Policies adopted in 1976, which relates to the proposed zoning strategy, deals with the development of vacant land on the Mainland. In this case, the policy calls for a planned unit development approach to be embodied in the permit-granting activity of the City with respect to those areas. It will be noted in Part III, Section I, Subsection 3 that a required strategy statement to include planned unit development regulations and a planned unit development zone is called for. In the meantime, in order to satisfy the intent of the Plan as part of the zoning strategy, it is proposed that a comprehensive development district approach, as enabled by Section 33(2)(c) of the Planning Act, be incorporated into the present bylaws of the City. This approach would fulfill the intent of the Plan better than either the present zoning regulations or the use of the development agreement technique enabled by Section 538(A) of the City Charter. The criteria for assessing any development plan applications submitted to the City in these areas would be those which are embodied in the Municipal Development Plan, Part II of this document, as well as other adopted policies of the City, such as those which are noted in Part III.

It should be noted, too, that the City, in adopting the Central Business District and Halifax Waterfront Development Area statements of objectives and policies (April, 1977), has adopted detailed policies which are not considered to be appropriate to implementation by traditional zoning techniques. Therefore, the City should develop a contract zoning district under the authority of Section 33(2)(b) of the Planning Act to regulate development in these areas.

A further direction of the City identified in the official City report entitled Land Development Distribution Strategy indirectly relates to this proposed zoning policy. In that report, policies were developed and adopted which called for discouraging residential development in Mainland South over the next five years. More specifically, the policies called for allowing limited residential development within the area defined by the Regional Development Boundary and the first priority areas, as described in the Halifax-Dartmouth Regional Development Plan. For areas within the bounds of the City which are outside that boundary, a policy was adopted which stated that the City should not permit development. This policy gives rise to a further element of the zoning strategy: a holding zone for that portion of Mainland South outside the present Regional Development Boundary.

In summary, the Municipal Development Plan process in its various stages has developed a justification for a zoning strategy as proposed below which is felt to reflect the Plan in Part II of this document. Although work is under way on a new zoning bylaw, the present strategy involves amending the present zoning bylaws of the City in accordance with the policy directions described above.

Recommended Strategy

It is recommended that the proposed zoning strategy as outlined below be approved as the basis for the applicable sections of Part II of this document:

1. For all areas designated for detailed planning the City develop an overlay zone under the provisions of Section 33(2)(b) of the Planning Act to enable contract zoning. This provision would require, among other things, defining those uses which would be permitted as of right and those uses and/or intensity of uses which would require permission of Council through a resolution of Council.

2. For that portion of the Mainland South area which is within the bounds of the City, but which lies outside the Regional Development Boundary and/or the general

line defined by the extent of the first priority residential land use category of the Regional Plan, the City should develop a holding zone under the provisions of Section 33(2)(a)(iv) of the Planning Act.

2. For large areas of vacant land in Mainland North, the City should develop a comprehensive development district zone under the provisions of Section 33(2)(c) of the Planning Act.

3. For the Central Business District and the Halifax Waterfront Development Area, the City should develop a contract zoning district under the provisions of Section 33(2)(b) of the Planning Act.

4. For hard areas which lie outside areas designated for detailed planning, the City should keep the provisions and schedules of the present zoning bylaws of the City of Halifax in full force and effect.

5. For those soft areas which lie outside areas designated for detailed planning and which are presently developed for some use, the City should develop appropriate zoning provisions for each to include, alternatively, rezoning to existing use within the present provisions of the existing bylaws of the City of Halifax, developing a conditional zoning package under the provisions of Section 33(5), and/or should develop zones to allow contract zoning under the provisions of Section 33(2)(b) of the Planning Act.

6. The City should continue to develop a new zoning bylaw to replace the existing bylaws of the City of Halifax subsequent to approval of the Municipal Development Plan as proposed in Part II of this document.

1.6 Subdivision Regulations and Bylaws

Purpose

On June 16, 1977 Halifax City Council adopted subdivision regulations and a subdivision bylaw under the authority of Sections 49(1) and 49(8), respectively, of the Planning Act. These regulations and bylaw were subsequently approved by the Minister of Municipal Affairs on August 5, 1977. Given that the regulations and bylaws were adopted and approved prior to adoption of the Municipal Development Plan for Halifax, the purpose of this strategy statement is to recommend incorporation of the subdivision regulations and bylaw as part of the proposed bylaws, regulations and procedures, and to identify some possible implications of such incorporation which may occur and which should be addressed in subsequent stages of the Municipal Development Plan process.

Relationship to Municipal Development Plan Process

It will be noted in Part III, Section I, Subsection 3 of this document that two strategy statements are called for (environment and planned unit development) which will have some relationship to and effect on the present subdivision regulations. In addition, it will be noted in Part III, Section III of this document that a review of the role of the Development Officer of the City of Halifax is recommended to be undertaken as part of the first annual review of the Municipal Development Plan process subsequent to adoption of the Plan. Given the role of the Development Officer mandated by the Nova Scotia Planning Act, in respect of subdivision applications, there may, in addition, be some considerations relating to the present operation particularly of the subdivision bylaw that result from this review.

There should be careful consideration of the role of the subdivision regulations and bylaw as the policies of the Plan are further developed. To further clarify this, issues which may arise concerning the relationship of the subdivision regulations and policy directions mandated by the Plan, such as a planned unit development process and impact assessment, are discussed in somewhat more detail below.

Planned Unit Development

In Part II, Section II, Policy 1.1.2 of the Plan, a mandate is established for the City to prepare and adopt a planned unit development zone. The nature of planned unit development is to allow a flexible development process which includes such considerations as performance criteria, private maintenance schemes and restricted deed convenants. This may appear to be somewhat at variance with the subdivision regulations which prescribe engineering standards for roadway widths, sidewalks, underground infrastructure and so on. In addition, the concept of planned unit development includes investigating innovations in such elements of a development as circulation systems and parking.

Environment Strategy Statement

In Part III, Section I, Subsection 3 of this document an outline is presented of the issues which should be addressed in preparing the environment strategy statement mandated by policy set 7 in Section II, Part II of the Plan. One of the major purposes of this strategy statement is to develop an adequate information base with respect to the natural environment so that development regulations may be properly varied to ensure the requisite degree of protection of the natural environment. The City must give careful consideration upon review and adoption of the environment strategy statement to ensure that resulting regulation changes and procedural amendments to the Plan are compatible with the present subdivision regulations in order to achieve the policies of the Plan.

Recommendations

Based on the adbove discussion:

1. The subdivision regulations and bylaw should be incorporated as part of the Municipal Development Plan as indicated in Part II, Implementation Policies of the Plan.

2. The City should ensure during the course of review of the strategy statement on planned unit development that such regulations as may be proposed in that strategy statement are complementary to the subdivision regulations and bylaw and any amendments proposed thereto.

3. The City should ensure during the course of review of the environment strategy statement that such regulations as may be proposed therein be complementary with the subdivision regulations and bylaws and any amendments proposed thereto.

4. The City should review the role of the Development Officer in relation to the subdivision regulations and bylaw as part of the review called for in Part iI, Section III.

1.7 Impact Assessment

Purpose

This strategy statement reviews certain policies from Part II of this document which direct the development of impact assessment review procedures. The purpose of this statement is to recommend interim impact assessment procedures to be implemented now and to outline the steps which should be taken to develop a more complete impact assessment procedure subsequent to adoption of this document by Council.

Mandate

A broad mandate is established in Part II for the development of impact assessment review procedures. Further, in the report entitled Land Development Distribution Strategy (see Part III, Section I, Subsection 1.1), detailed recommendations were adopted by City Council which specify the need to assess the impact of all developments in Mainland South and further to provide the criteria to be employed in assessing the impact of proposed developments in Mainland South.

The environment objective in the Plan provides the general principal that guides the development of impact assessment review procedures.

> Objective 7. The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.

Based on this objective, Policy 7.2 directs the City to establish procedures to assess the impact of development proposals.

There is a great deal of basic information which must be collected to aid in preparing a complete impact assessment procedure. Additionally, Subsection 3 of this section sets forth a requirement for a detailed environment strategy statement. Because of that requirement, any policies and procedures developed now will necessarily have to be revised to be complementary to that statement once completed.

Policy Directions

Throughout Section II of Part II, there are numerous references to impact assessment criteria, some of which are geographically specific. While those policies often address particular issues, they do provide the framework for a comprehensive approach. A synthesis of policy directives should suffice in the short term to demonstrate how impact assessment review fits with the zoning amendments process in the context of the proposed Plan. The development of long-term policies and procedures is a more complicated process. Schedule III.1 summarizes the various levels of policy guidance which can be brought to bear when devising impact assessment review procedures and, as such, is illustrative rather than definitive.

SCHEDULE I-1

ILLUSTRATION OF POLICY GUIDANCE FOR IMPACT ASSESSMENT REVIEW PROCEDURES FROM PART II, SECTION II

Policy Level	Description	Relevant Policies
A.	Policies which encourage or require impact assessment review procedures	3.4, 7.2, 7.3, 9.2, 11.1, 11.4.1, 1.5.6
B.	Policies which provide general statements of intent against which developments can be assessed	1.1, 1.1.1, 1.1.2, 1.3, 1.3.1, 1.3.2, 1.4, 1.6, 1.7, 8.4, 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.2, 3.2, 3.3, 3.3.1, 4.2, 5.2, 5.3, 6.3, 6.3.1, 6.4, 6.4.2, 6.4.3, 6.9, 6.10, 7.3, 7.4, 7.5, 7.8, 7.9, 7.10, 8.1, 8.5, 10.1
C.	Policies which provide specific criteria for impact assessment	1.5.6, 3.4, 6.4, 6.4.2, 6.5, 6.7, 6.9, 7.2, 7.3, 7.5, 7.6, 8.5, 9.2, 11.4.1
D.	Policies which are geographically referenced, and provide guidance to impact assessment process	1.1, 1.1.2, 1.3, 1.5.6, 2.2, 3.1, 3.2, 3.3, 6.3.1, 6.4.2, 6.4.3,

Policies in Level "A" direct the City to assess the impact of development proposals. For example, Policy 3.4 in Section II of the proposed Plan states that "in making decisions on industrial development the City shall require ... a description of all environmental effects of the proposal". In policies of this nature, the mandate is very specific, but the criteria for assessing impacts (or effects) are not. They must be derived from the next level of policy direction, shown in Levels "B" or "C".

Level "B" involves policies of a more general and universally applicable nature. For example, if the City undertakes an impact study for an industrial development, based on Policy 3.4, it must then address issues such as its serviceability by public transit (Objective 8), its impact on the maintenance of neighbourhood character (Policy 1.4), its conformity with industrial location policies (3.1, 3.2 and 3.3), and so on.

While the above discussion is provided solely for purposes of illustration, the relationship between policies in "A" and "B" is clear. Where council has adopted more specific policies with respect to, say, residential areas, community facilities, the environment, etc. (Level "B"), those policies act as the guidelines against which impacts must be assessed. Therefore, in fulfilling the demands for an impact assessment statement, issues which arise from related policies must be accommodated. This must occur irrespective of the nature of the policies. Where they include evaluative criteria, as in Level "C", or are geographically referenced, as in Level "D", the mandate is still more precise. Consequently, the application of the policies is less susceptible to interpretation, and the decision-making process becomes better defined.

The guidance system which may be derived from the policies in Part II and from other adopted policy statements from such reports as Land Development Distribution Strategy can be implemented immediately for our purposes. It is not possible at present to introduce a final set of policies and procedures, because of the complexity involved in their development and the need for baseline data against which each development can be tested. Final impact assessment review policies and procedures can be achieved only after the generation of these data and a complete study of the

legislative, administrative and other substantive issues which must be resolved prior to the implementation of long-term controls.

Recommendations

It is recommended that the City adopt the following policies with respect to impact assessment review procedures:

1. The City should prepare a strategy statement (in concert with the environment strategy statement) on impact assessment review procedures to include:

   a) an inventory and analysis of the community's environmental characteristics and natural resources (to assure that they are known and respected when development proposals are being evaluated) as called for by the environmental strategy statement outlined in Part III, Section I, Subsection 3.1;

   b) review of all relevant legislation;

   c) an analysis of the range of techniques which such review procedures may follow and of the range of consequences of those techniques;

   d) the design of criteria to determine which development proposals require assessment;

   e) the development of analytic tools for evaluating proposed developments; and

   f) recommended procedures to realize impact assessment as called for by Part II, Section II, Policy 7.2.

2. The City should adopt interim impact assessment procedures as presented in Part II, Implementation Policies, which generally require that all development proposals requiring Council permission, and the City's capital program be reviewed against:

a) the fiscal capacity of the City of Halifax to service the development;

b) the environmental impact of the proposed development;

c) the policy guidelines established in this Municipal Development Plan; and

d) the capacity of the local and regional service systems to accommodate the demands which will result from the completion of the proposed development.

1.8 Citizen Participation

Mandate and Purpose

The mandate for the recommendations in this strategy statement stems from the policies on citizen participation, Part II, Section II, policy set 11. Objective 11 states that citizen participation is seen as:

> a necessary part of all planning processes within the City, the form of citizen participation to be developed in consultation with the community.

The purpose of this statement is to expand upon Objective 11 and propose a municipal strategy for citizen participation in the planning and development of Halifax. This subsection will focus on the procedural opportunities for citizen participation and will propose a framework within which City Council, the public, and staff will develop a clear understanding of their respective roles and obligations.

Introduction

The basic theme of the citizen participation policies articulated is the right of citizens to be involved in decisions which affect their lifestyles. There is, however, the potential for considerble confusion as to what citizen participation actually means.

For the purpose of this statement, it is assumed that citizen participation does not mean that City Council abrogates its position as the final decision-making body in the City of Halifax. Council, through the renewal of

its mandate every three years in the civic elections, is directly accountable to the citizens of Halifax. As such, it is the only body legitimized to make decisions on behalf of the electorate.

Citizen participation does, however, reflect the desire of City Council to regularly consult its constituents throughout its terms of office. The aspiration to involve the public provides the Council with the opportunity to bring issues before the public. Citizens are afforded greater access to their elected representatives and can voice their opinions on a day-to-day basis. A prime example of the value of citizen participation was evidenced in the process through which the Statement of Objectives and Policies for the Halifax Municipal Development Plan was adopted. Originally, there were no objectives or policies on the "environment" and "citizen participation". As a direct result of submissions from the public on these issues, the Municipal Development Plan Committee adopted two objectives and eighteen policies on environment and citizen participation policies which have been expanded still further in this document.

Citizen participation is a process which should result in a continual dialogue between City Council and the public, and, to some extent, with their public servants in the municipal administration. It seeks to maximize the flow of information between all parties involved in municipal decision-making and to explain the basis on which policies are adopted.

Presently there are several municipal programs and procedures which permit some form of citizen participation. There are also numerous pieces of legislation which prescribe the legal basis for citizen participation and the obligations of Council, the public and City staff. This report proposes to structure the diverse components of programs, procedures and legislation related to citizen participation, and attain a greater degree of certainty on what citizen participation actually entails. Consequently, the City of Halifax can refine its capacity to consult with the public and create a climate conducive to cooperation and sound public decision-making.

The next section of this statement reviews the context established for citizen participation in the Statement of Objectives and Policies. It also examines the programs, procedures and legislation dealing with citizen participation to display the need for a framework within which certainty can be created.

The section following that presents the citizen participation strategy proposed for Halifax. It focuses on the manner in which the public will be consulted, their obligations in responding, and the feedback they will receive on their comments and recommendations.

This statement is presented with the hope of stimulating discussion and establishing a consensus on a municipal strategy for citizen participation. It is hoped that the dialogue which it facilitates will be consistent with the general principles which participatory democracy represents.

Context Established by Objectives and Policies of the Plan

Policy 11.4, Section II of Part II articulates the need for citizen participation in the planning process.

> Policy 11.4 The City shall establish procedures for consulting with the public on decisions which will affect the planning and development of the City. These procedures shall pay particular attention to the timing of public access to information, the methods for providing it, and the need of individuals and groups to have an adequate time period for review prior to City Council's decisions.

In addition, Council has adopted policies with respect to a Planning Advisory Committee (11.1), the creation of area planning offices (11.2), and the encouragement of written submissions by citizens on planning issues or items of neighborhood concern (11.5).

The Municipal Development Plan Committee, in preparing this Plan, has undertaken extensive public review of the reports and proposals it has considered. Through its efforts, the Committee has provided the basis for the involvement of citizens in the planning of Halifax. A key principle which has evolved from the work of the Committee is that the public should be consulted prior to the acceptance by City Council of recommendations for a course of action. The participation strategy outlined in this report is consistent with the application of this principle.

The Need for a Framework

Currently, citizen participation is a built-in component of several programs, planning procedures, and the government of the City of Halifax itself. Some examples of the vehicles for citizen participation include the various elements of the development control process (e.g., zoning, lot consolidation, subdivision development agreements), municipal programs like Detailed Area Planning, the Neighbourhood Improvement Program, and the Multi-Service System in Mainland South; municipal administration under the auspices of Halifax City Council and its Committee of the Whole; and committees and commissions which are appointed by Council such as the Downtown Committee, the Halifax Landmarks Commission, and the Municipal Development Plan Committee. Many of these programs, procedures and appointed bodies have their terms of reference in legislation such as the City Charter, the Planning Act, and various municipal ordinances.

If citizen participation is to be an effective means of consultation between City Council, the public and staff, the systems for encouraging it must be developed coherently and must be readily understood. To presuppose coherence among all of the current programs, procedures and other legislation related to citizen participation is to attribute them with a purpose they were not designed to achieve. The absence of a clearly defined interrelationship among the vehicles of citizen participation does not imply they are inappropriate. It merely brings to light the obvious fact that because they have emerged over a period of time, often in isolation from each other, a framework must evolve which integrates the approaches to citizen participation into a clear and simple strategy.

In preparing this strategy statement, three issues are of importance:

1) explaining the current procedures for public involvement;

2) the right of citizens to expect feedback on their recommendations for changes in these procedures; and

3) the obligations and responsibilities of City Council, the public and staff in a citizen participation process.

The strategy statement which follows seeks to address these issues and to resolve any misconceptions and uncertainties that exist in the current approaches. This strategy establishes a clear, simple framework establishing some ground rules for citizen participation.

The Participation Strategy

The citizen participation strategy proposed is outlined on Chart 1. There are three phases to this strategy with each phase comprising six identical steps.

Phase I - Development Control Procedures

The first step will be completed through the preparation of a report which documents current development control procedures. The report will provide a basis for discussion with the public on how the procedures might facilitate greater citizen participation.

Step 2 involves the presentation of the report to the Committee.[1] Based on the precedents established by the Committee in dealing with staff reports, it is proposed that the report be received and released forthwith for public review. When distributed to the public, the report should be accompanied by a notice that

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[1] In this statement, "Committee" may be read as either Municipal Development Plan Committee or Planning Advisory Committee, subject to a later decision of City Council.

a public meeting will be held at which staff will respond to questions on current development control procedures. It is important to stress that the public meeting is for information purposes only, as the staff report will not contain recommendations for changes to current procedures. Its purpose will be to initiate a process in which the public can help to recommend changes.

The public review process in Step 3 is designed to provide the public with sufficient time to consolidate their views and prepare briefs on the subject. It is suggested that, after the public meeting to answer questions arising from the staff report, citizens have at least four weeks in which to present their briefs to the Committee for comment. If, however, the Committee feels a report can be dealt with in a shorter time frame, it should have the power to do so.[2]

Step 4 would be the consolidation by staff of a report on the recommendations made by Step 3. This report should present the position of City staff with respect to the briefs submitted by the public. Each staff recommendation should be followed by:

a) a synthesis of the recommendations received from the public on that particular point;

b) a justification of any divergence from the main body of opinion expressed.

Admittedly, these requirements could impose heavy demands on the time of Committee members. However, the preparation of a comprehensive report is necessary if the Committee is to have the benefit of the broadest information base possible in making its recommendations to City Council. As well, a detailed report by staff synthesizing public comments, and explaining staff's reaction to them will provide feedback to those individuals and groups who have gone to some trouble to participate in the governing of their City.

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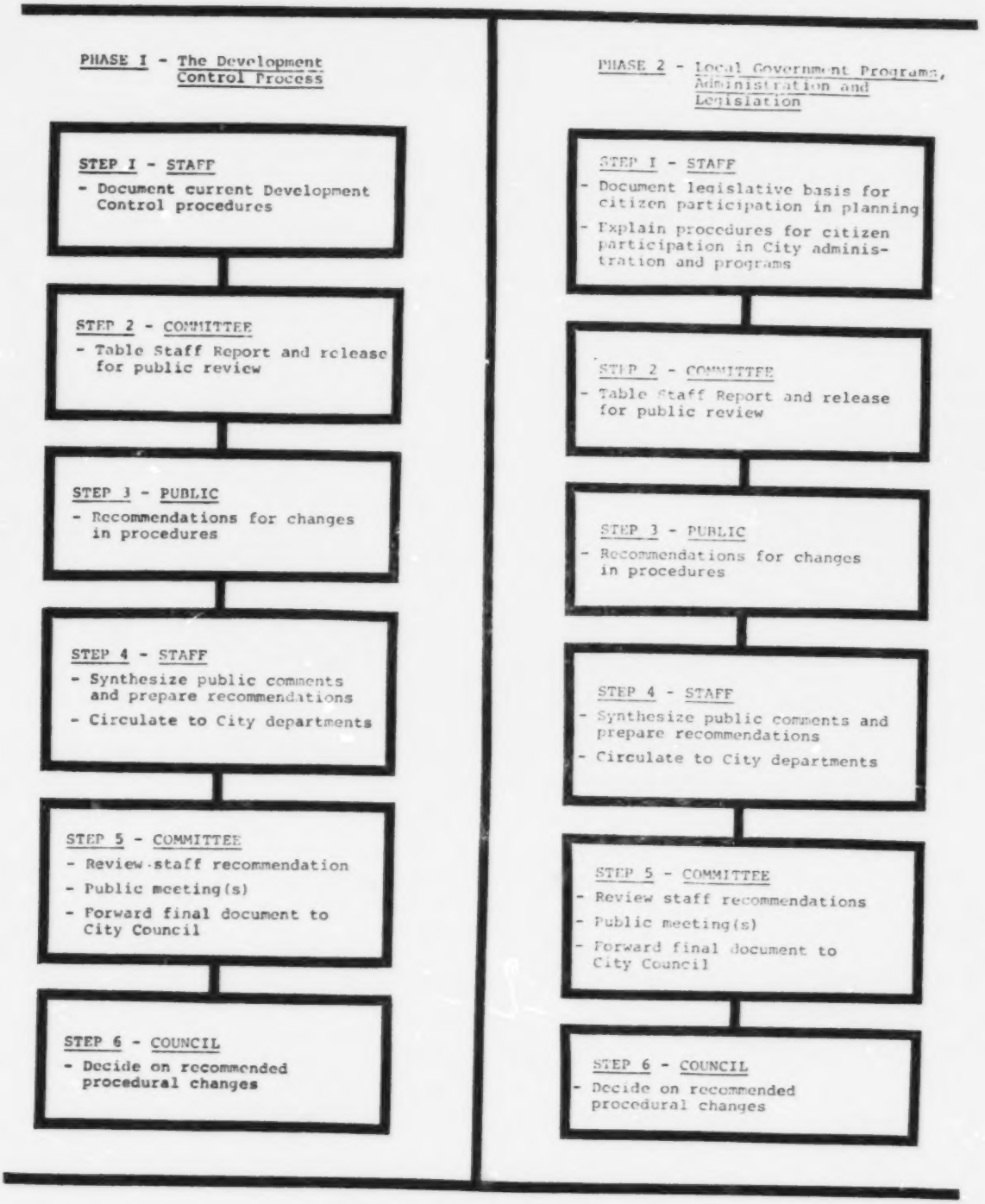
2 In exercising its prerogatives, the Committee should pay particular attention to Policy 11.4 which cites the need of groups and individuals to have an adequate time period for review, which is the basis for the general rule of two four-week review periods contemplated in this strategy statement.

CHART I

A CITIZEN PARTICIPATION STRATEGY FOR THE CITY OF HALIFAX


PHASE 1 - The Development Control Process
STEP 1 - STAFF
- Document current Development Control procedures
STEP 2 - COMMITTEE
- Table Staff Report and release for public review
STEP 3 - PUBLIC
- Recommendations for changes in procedures
STEP 4 - STAFF
- Synthesize public comments and prepare recommendations
- Circulate to City departments
STEP 5 - COMMITTEE
- Review staff recommendation
- Public meeting(s)
- Forward final document to City Council
STEP 6 - COUNCIL
- Decide on recommended procedural changes
PHASE 2 - Local Government Programs, Administration and Legislation
STEP 1 - STAFF
- Document legislative basis for citizen participation in planning
- Explain procedures for citizen participation in City administration and programs
STEP 2 - COMMITTEE
- Table Staff Report and release for public review
STEP 3 - PUBLIC
- Recommendations for changes in procedures
STEP 4 - STAFF
- Synthesize public comments and prepare recommendations
- Circulate to City departments
STEP 5 - COMMITTEE
- Review staff recommendations
- Public meeting(s)
- Forward final document to City Council
STEP 6 - COUNCIL
- Decide on recommended procedural changes
PHASE 3 - Ongoing Process and Consolidation of Procedures
As new development controls tools, municipal programs and administrative or legislative changes occur, follow the process applied in Process 1 and 2
A consolidated citizen participation procedures manual should be published by the City and updated as necessary.

Step 5 is a review of the recommendations in the staff report by the Committee. The sixth and final step in the first phase of this strategy for citizen participation is a decision by City Council on the recommendations of the Committee.

Phase 2 - Local Government Programs, Administration and Legislation

Phase 2 of the citizen participation strategy should begin with the preparation by staff of a second report entitled "Local Government Programs, Administration and Legislation". The purpose of this report could be identical to that on Development Control Procedures. It would discuss current procedures for citizen participation.

a) City programs such as Detailed Area Planning and the Neighbourhood Improvement Program;

b) the legislative basis for citizen participation in the planning and administration of municipal programs (e.g. City Charter, Planning Act, municipal ordinances);

c) the decision-making process in the City of Halifax (i.e. Council, Committee of the Whole, boards and commissions).

Upon completion of the staff report, the same six steps identical to those pursued in Phase 1 will be followed. The result will be a series of recommendations to City Council on procedural changes to maximize the potential for citizen participation in the operations of government.

At the end of Phase 2 it is suggested that the City consider publishing a Citizen Participation Procedures Manual as a basic reference for citizens and groups who wish to participate in the development of policy for their city. It should clearly and succinctly explain the procedures of government to preclude confusion on how and when to approach civic government.

The idea of a manual is an important part of the strategy advanced in this report. The public should be provided with a point of reference to clarify their involvement and to remove some of the mystery from the governmental process.

Phase 3 - Consideration of Procedures

As new tools for development control, municipal programs and administrative or legislative changes are put forward, they follow a process of public review similar to that employed in Phases 1 and 2. Citizen participation, as noted at the beginning of this statement, is a process. It must be an ongoing series of events which continually open the channels of communication between City Council, the public and City staff.

The manual produced in Phase 2 should allow for updating as new procedures are developed.

Summary and Recommendations

The Citizen Participation Strategy advanced in this statement has focused on education, consultation and the need to provide the local government system with clearly defined means of access for all parties involved.

Based on the strategy articulated in this statement, it is recommended that the City of Halifax endorse the need for a framework for citizen participation in Halifax and adopt this strategy statement.

1.9 Planning Advisory Committee

Purpose

This strategy statement addresses the matter of the constituting of a Planning Advisory Committee as part of the ongoing management of the Municipal Development Plan process. The strategy statement proposes a general framework with regard to a planning advisory committee within which suggestions for the degree of relationship with the public are developed and discussed. Recommendations are put forward for

the establishment and structure of a Planning Advisory Committee along with recommendations concerning its relationship to the present City political and administrative structure. It should be noted that the recommendations in this statement are not detailed but provide the general direction by which the Committee should be established.

Mandate

The mandate to establish a Planning Advisory Committee and directives regarding its nature have already been set in Part II of this document. The Planning Act and existing administrative structure of the City set some statutory and administrative limits. However, there remain areas for decision; for example, the number of members on the committee, the level and detail of committee work, and the relationship of the committee to City staff, other committees, the public and to City Council.

A planning advisory committee is an optional mechanism in the Planning Act, enabled by Part III, Section 22(1):

> 22(1) The Council may appoint by resolution a planning advisory committee to assist the council in the exercising of any power and carrying out of any duty under this Act.

The City has declared its intent to establish a planning advisory committee in Part II, Section II, Policy 11.1:

> Policy 11.1 The City shall legally constitute a planning advisory committee under the Planning Act to review, monitor, and advise on any proposed changes in the plan and to assess any developments in the context of the plan.

Strategy Aspects

While the Planning Act makes a planning advisory committee optional, in Section 22(2) it prescribes certain elements of such a committee to be established:

> 22(2) The committee shall consist of council members and others but the majority of the committee shall be council members who shall hold office for a period of one year; and the others shall hold office for a period of two years from the date of their appointment.

In addition, as noted above in Section 22(1), the Act prescribes that the committee is to assist the council in the exercise of any power and carrying out of any duty under the Planning Act. Powers and duties of the council, therefore, are not delegated to the planning advisory committee.

Discretionary Aspects

The Planning Act allows for discretion on the part of a municipality, in the event that they choose to establish a planning advisory committee, for certain elements. Sections 22(3) and (4) allow for reappointments and public hearings.

> 22(3) Any person appointed to the committee may be re-appointed.

> 22(4) The committee may hold public hearings at such times and in such manner as the council may decide.

Section 22(5) of the Planning Act enables Council to establish procedures for the committee.

> 22(5) The council may in the resolution establishing the committee:
>
> (a) fix the remuneration if any to be paid members of the committee;
>
> (b) establish the procedure of the committee;
>
> (c) provide for the appointment of a chairman and other officers of the committee.

Committee Function

As noted previously, the Planning Act specifies that a planning advisory committee should "assist the council in the exercising of any power and the carrying out of any duty under this Act". For the purposes of this strategy statement and in accordance with Part II, Section II, Policy 11.1 of the Plan, it is suggested that the mandate for a planning advisory committee, if established by the City of Halifax, is one of relating all relevant matters to the Plan and advising Council of the committee's views as to the proper interpretation of the policy direction established by the Plan. More specifically, the committee is to:

(a) review, monitor and advise on any proposed changes in the Plan; and to

(b) assess any developments in the context of the Plan.

The two objectives are distinct, yet complementary when considered on the policy level of the Plan. Policy matters, rather than the day-to-day administrative matters, are the working level of the Plan as prescribed in Part III, Section 13(3) of the Planning Act (this does not mean that details are ignored; rather they are generalized and considered at the level of policy). Together the objectives can be understood to mean that the purpose of the planning advisory committee is to remind Council of its policy commitments in the Plan and changes to such policy commitments.

For clarity in this strategy statement two things should be noted concerning Policy 11.1. The first is that the definition of "any developments" has two distinct dimensions in defining what the committee will and will not consider. These relate to the manner in which the Planning Act sets out the purposes of a municipal development plan and attendant bylaws.

The Act requires that developments be regulated by the zoning bylaws (and subdivision regulations where they apply) of the City. Therefore, where Council has discretion in determining whether a development application will be approved or otherwise, Council must relate the application to the policies set out in the Plan. It is on these developments that the Planning Advisory Committee would advise Council.

At the same time, it will be noted in Part III, Section II of this document that policies are set out for the annual monitoring of the direction of the Plan and the relevancy of the Plan based on an assessment of the implications of changes as defined by statistical trends. Thus, for all those development applications which may be a decision of the development officer of the City, the Planning Advisory Committee would not be involved, except insofar as they relate to policy directions of the Plan in a general sense. The Planning Advisory Committee, through review of the annual report of staff, as called for in Part III, Section II would have information respecting these latter kinds of development applications and an assessment of their implications upon the policy directions of the Plan available to it.

The second point of clarification again relates to the phrase "any developments" found in Policy 11.1. It should be noted here that the term would include developments initiated by the City of Halifax.

In terms of the general functions identified above, then, a Planning Advisory Committee for the City of Halifax would have on its agenda the more specific list of matters described below.

1. Development applications where City Council has discretion and where conformity with the Plan must be checked, or where policy direction must be derived.

1.1 Proposed amendments to the Plan resulting from development applications.

2. All strategy statements as called for by Part III of this document and any proposed amendments to the Plan resulting from such strategy statements.

3. All detailed area plans as they are completed and submitted for adoption as amendments to the Plan.

4. The annual report on the Plan by City staff as called for by Part III, Section II of this document.

5. Capital and operating budgets of the City in accordance with Section II, Policy 10.1 of the proposed Plan.

6. Programs of the City and other levels of government (for example, the Neighbourhood Improvement Program) insofar as they affect or are related to the Plan and its attendant programs.

7. Proposed changes in legislation and bylaws of the City and senior levels of government (for example, the Planning Act, Zoning Bylaws, Regional Plan, etc.) insofar as they may affect the Plan.

The common factor in all these matters is that information and issues are taken to the policy level for review, monitoring, and assessment. The work of the Committee should not be limited to reacting to what others are doing. In some instances, it should be expected to initiate reviews of legislation (such as the Planning Act, from a City point of view) or recommend amendments for Plan policies where there are problems identified.

Degree of Involvement with the Public

One of the major thrusts of the Statement of Objectives and Policies, adopted in 1976 by Halifax City Council and subsequently incorporated into the proposed Municipal Development Plan in Part II of this document, has been to encourage citizen participation. Consistent with this direction, then, a Planning Advisory Committee should be established to carry out the functions described above, but with the additional dimension tht it maximize its capacity to bring planning matters into the public eye. This point of view is perhaps more explicitly expressed as one of having a Planning Advisory Committee which maximizes the flow of information between the City and the public, which facilitates a continual dialogue between

the City and the public by being accessible and by organizing its timetable so that there is ease of access to Committee meetings, and which is broadly based in terms of both Council and citizen members.

Notwithstanding this general direction, it is to be noted that the essential relationship of the Committee and responsibility of the Committee is to City Council. For the Committee to accomplish all of its functions in a timely and efficient manner, and to reflect in its proceedings and manner of operation the citizen participation policy direction established by the City, it will have to be well organized. As well, it will have to be always mindful of its mandate for advising Council on Municipal Development Plan matters.

With this in mind, the next sections of this strategy statement deal with Committee make-up and operations and the relation of the Committee to the present City Council/staff structure.

Membership

The Committee, as discussed, has three main areas of responsibility: Plan management, information and education, and Plan administration (advice to Council). The Committee should provide a forum for developing informed opinion in order to advise Council on development matters on the basis of the Plan. Members of the Committee should be capable generalists who can articulate the directions of the Plan to the community and who can help to express the concerns of the community in ways that can be brought to bear on the Plan. Finally, members must be able to devote time to the business of the Committee. The job of the Committee is to deal with the Plan, not necessarily to represent the community (which is the responsibility of City Council).

The Act, as noted, requires that a majority of the Committee also be members of Council. It is mute on the size of the Committee, however. There are diverse considerations in addressing the questions of size. There is, on the one hand, a need to involve as many members of Council as possible in the Committee in order to capitalize on the forum such a body provides for the development of policy through dialogue with staff and the public. There is, on the

other hand, the countervailing need to concentrate on the duties of the Committee with regard to Plan administration and management - to step back from the inherently political nature of planning in order to develop a viewpoint based on the Plan from which to advise Council. For this latter task, a smaller Committee would be better able to develop the necessary understanding of the mechanisms of the Plan. A smaller committee which reported to City Council through the City Planning Committee could provide the necessary balance of political and quasi-legal Plan considerations, provided it develops a forceful and respected voice. There is also the pragmatic consideration that the Committee will be busy and it cannot be reasonably expected that the whole Council can or should devote its time to the business of the Committee.

The Act requires a majority of the Committee to be members of Council. It is staff's opinion that a majority of Council should be members of the Committee. This would indicate, say, six members of Council with five additional appointed members.

Conduct of Meetings

As is evident from the list of functions identified previously in this strategy statement and from the procedures outlined in Part III, Section III of this document, the Committee will have to meet regularly and will have a significant amount of business to dispose of at each meeting. Therefore, the conduct of meetings should be both organized and orderly, and, in that respect, it seems appropriate that the Committee should conduct meetings in conformance with Ordinance 103 "The Rules of Order" insofar as these Rules of Order apply to motions and resolutions. This would not only ensure consistency from meeting to meeting, but would also facilitate management of the agendas for each meeting.

Chairman

The Chairman of the Planning advisory Committee will be required to have considerable knowledge of committee operations, particularly relating to the Rules of Order for running and maintaining the meetings. In addition, it would be

useful if the Committee Chairman were knowledgeable of the operations of the City generally so that clarifications of overlapping functions of the Planning Advisory Committee and other agencies or staff of the City can be kept to a minimum on any given issue. It is therefore suggested that the Chairman of the Committee be designated as the sixth Council member appointed to the eleven-member committee in any given year. As with all committees, it is anticipated that the Mayor should ex officio be a member.

Meetings

It is probable, given the list of functions for a Planning Advisory Committee, that agendas for any given meeting could be fairly substantial and will have to fit with the cycle of Committee of the Whole and Council Meetings. While this may not be the case, it is recommended that for the first year of operation the Planning Advisory Committee should meet regularly on every week that there is a Committee of the Whole Meeting. It will be noted in a subsequent section of this strategy statement that much of the function of the Planning Advisory Committee will be similar to the present function of the City Planning Committee.

In that section, it is recommended that the agenda of the present City Planning Committee deal with those matters which do not require review for conformance with the Municipal Development Plan and that the Committee report to it on all other matters which do require such review.

In accordance with the policy direction established by the City in respect to citizen participation, it is recommended that all Planning Advisory Committee meetings be open to the public and that these meetings be held at times convenient to facilitate any representations on any particular matter which the public may wish to make.

Remuneration

Remuneration, if any, should be determined subsequent to review of this strategy statement by City Council.

Relationship to Present Council/Staff Structure

1. Relationship to City Council

In addition to the points noted previously concerning the relationship of the Planning Advisory Committee to Halifax City Council, there are three additional considerations which must be addressed. All of these relate to the mandate established by the Planning Act and by Council policy (Section II, Policy 11.1 of the proposed Municipal Development Plan) in respect to the establishment of a Planning Advisory Committee.

The role of the Planning Advisory Committee is one of advising Council on matters relating to the Plan. A more specific interpretation of this role has been given in the list of functions for the Planning Advisory Committee previously in this strategy statement. In line with this context, then, the following suggestions are put forward:

a) the Planning Advisory Committee should have a direct reporting relationship with City Council (this is consistent with such things as the meeting schedule recommended above and with the procedures put forward in Part III, Section III of this document). However, it should normally report through the City Planning Committee.

b) City Council should not delegate authority for the Planning Advisory Committee to hold public hearings at this time (this recommendation is consistent with the role of the Planning Advisory Committee in terms of advising City Council on matters relating to the Plan and further, with the provisions of the City Charter with respect to rules relating to the ability of any given Council member to vote on a non-legislative re-zoning item dependent upon that Council member's attendance at a public hearing). It may be that City Council would wish to delegate the authority for the Planning Advisory Committee

to hold public hearings in the future, but it is felt that a trial period without such delegation should be established to determine more precisely the role of the Planning Advisory Committee through experience.

c) the rules for setting the agenda of the City Planning Committee should be amended to reflect the differentiation between those matters requiring review for conformance with the Plan to be transmitted to the Planning Advisory Committee, and those other matters which will continue to follow the normal administrative and Council procedures. This is put forward in accordance with the function of the Planning Advisory Committee and the fact that, with a Municipal Development Plan in force, there could be some degree of duplication if the present City Planning Committee and the Planning Advisory Committee were to consider the same items in a sequence which would cause unnecessary delays. This procedure would reduce delays that would otherwise occur in dealing with agenda items. Finally, it will be noted that the procedures put forth in Part III, Section III do not precisely reflect this particular procedure. In that sense, the procedures in Part III, as they relate to this matter, may be viewed as interim pending the disposition of the recommendations of this strategy statement by City Council.

2. Relationship with City Staff

Given the recommendation above concerning the consideration of certain agenda items which normally would be dealt with by the City Planning Committee, but which, because of their nature, would require review in the context of the Municipal Development Plan by the Planning Advisory Committee prior to referral to the City Planning Committee, it is felt that the staff apparatus which services the City Planning Committee (the City Clerk's Office, the City Manager and the various City departments) should also service the Planning Advisory Committee. In other words, it is recommended that the present procedures with respect to staff and the City Planning Committee should be carried forward, should a

Planning Advisory Committee be established within the dimensions put forward in this strategy statement to the operation of the Planning Advisory Committee. It is suggested that the normal advice to the Committee should be delegated on a day-to-day basis to the Director of Planning.

3. Relationship to the Public

Much of the discussion up to now in this strategy statement has revolved around the Planning Advisory Committee's relationship to the public. This is reflected in such things as the recommendation concerning evening meetings of the Planning Advisory Committee and the recommendation concerning broadbased representation. For the purposes of this strategy statement, then, it is felt sufficient to recommend further that within the context of the Rules of Order (Ordiance 103) the public should be allowed to address the Planning Advisory Committee and to petition the Planning Advisory Committee through the City Clerk's Office to add items to the agenda.

4. Relationship to Other Committees

The tenor of this strategy statement has been to set out some fairly specific recommendations for the Committee within the context of the general policy direction established by Council to date. It is felt that this strategy statement should undergo considerable review and, in that light, there is no consideration or recommendations in this statement concerning a Planning Advisory Committee's relationship to other committees. This is a fairly complex matter which would be better addressed once City Council has determined in some detail their wishes with respect to a Planning Advisory Committee.

Recommendations

It is the view of staff that the establishment of a Planning Advisory Committee is a very complex and significant step for the City to take as part of its Municipal Development Plan process. It is, for instance, this reason that Part III, Section III of this document puts forward procedures for the maintenance of the plan upon adoption with a key element being the

continued operation of the Municipal Development Plan Committee. These procedures are, of course, viewed as interim until the City has had time to review this strategy statement and determine its course of action with respect to the recommendations contained herein.

Therefore, it is recommended that the City review this strategy statement and the recommendations contained herein, and further that subsequent to this review, City Council instruct staff to prepare a detailed set of terms of reference for a Planning Advisory Committee, based on the results of the deliberation of City Council on this strategy statement.

2. Required Strategy Statements

As mentioned in the introduction to Part III of this document, there are several functional areas of work which arise out of the policy directions established by the proposed Municipal Development Plan (Part II of this report) which have yet to be detailed by the City. This section will set forth those statements which are required to be done based on the policy directions established in Part II and which, when complete, will be incorporated into appropriate parts of this Plan. For each of the required strategy statements, a summary of the policy direction is given and the general content to be addressed for each of the strategy statements is outlined.

2.1 Environment Strategy Statement

Mandate

It was demonstrated in Part III, Section I, Subsection 2.5 that the Plan policies in Part II provide a wide-ranging, issue-oriented mandate for the establishment and development of environmental review procedures. These policies will need refinement and further detailing. A specific mandate for a strategy statement on the environment is found in Part II, Section II, Policy 7.1:

Policy 7.1 The City shall prepare a strategy statement on the environment and shall, as part of such statement, make provision for the detailing and implementation of Policies 7.2 - 7.5 below. The City shall address the remainder of the environment policies in preparing the strategy statement. The City, upon adoption of the environment strategy statement, shall amend this Plan and accompanying development regulations as appropriate.

The purpose of this subsection is to outline the considerations which should be addressed in preparing the statement. For the purposes of the discussion below, "environment" is defined as referring to the natural environment. It is suggested here, and will have been noted in Part III, Section I, Subsection 2.5 previously, that the work called for on impact assessment procedures, which derive their mandate from the Plan policies, will deal with not only natural environment impacts but also physical, social and economic effects.

Proposed Content

(1) Baseline Study

The primary requirement in developing an environment strategy statement is for a baseline environmental audit or inventory to be prepared. The objectives of such a baseline study would include:

a. the preparation of an inventory and analysis of the City's environmental characteristics and natural resources to ensure that such resources are known insofar as is possible;

b. the cultivation of an understanding of the inherent constraints and opportunities revealed by the resource inventory;

c. the development of the necessary tools and techniques (or amendments to present ones) for implementing physical change within the range of the constraints and opportunities established.

The preparation of a baseline study would have to include the collection of data for the full range of community systems. Because these systems represent a complex overlapping and interdependent system of parts, much of the data will be able to be used in several contexts. For instance, data on tree cover may be used in an assessment of a visual enclosure, in a water runoff limitation model, in a siltation control program, in an energy incentive program and in a wildlife protection program.

Such a study as called for above involves a complex technical field and therefore it is suggested that the City should investigate alternatives for the preparation of such a study based on a detailed specification of terms of reference. It may well be that consultants should be retained for a portion or portions of an audit.

(2) Process Considerations

The baseline study described above would provide an environmental inventory, a description of the constraints and opportunities revealed by the inventory, and tools and techniques for guiding physical change within the range of constraints and opportunities established. This information would then have to be placed within the context of an environmental regulatory process. Thus, the second major part of the environment strategy statement should include the following:

a. a review of applicable legislation (at City, provincial and federal levels);

b. a review of the mandate established by the policies in Part II of this document (some of these policies will have been addressed in the baseline study identified above);

c. identification of those areas in which development should, to some degree, be restricted based on environmental data for which any regulation would have to be enabled by the Municipal Development Plan;

d. the design of criteria relating to development proposals for which the environmental process should be applicable;

e. the development of processes for evaluating developments, identified by the criteria established in (d) above (these should take into consideration City administration and staff capabilities as well as the several requirements established in the Plan for citizen input);

f. the framing of appropriate recommendations for amendments to the Municipal Development Plan and its attendant programs, procedures and bylaws.

Recommendations

1. **It is recommended that the City approve the general outline of the contents of the environmental strategy statement identified above as the contents of a strategy statement as called for in Part II, Section II, Policy 7.1 of this document.**

2. **It is recommended that City Council instruct staff to prepare a report identifying the alternatives for carrying out an environmental baseline study as described herein, such report to include a draft set of terms of reference for the baseline study, and, for each alternative identified, an estimate of the cost and timing that would be required for completion.**

2.2 Transportation Strategy Statement

Mandate

Objective 8 and its attendant policies in Part II, Section II of this document provide a general framework for decision-making with respect to transportation systems in the City within the context of the Plan. The general theme of this policy section is one of a management approach dealing with the various elements of the transportation system. For example, with respect to the principal street network, identified on Map 8, Policy 8.6 requires any proposed changes in this network

to be reviewed against several detailed policy statements dealing with such things as transit emphasis and the City's objectives regarding traffic management. Thus, while the Plan proposes a street network in terms of location, it does not specify future changes to any of the existing links in that network. Aside from the argument that this approach is a prudent one for the City to take, it will be recalled that one of the difficulties which the City encountered with respect to the transportation network related to the adopted Halifax-Dartmouth Regional Transportation Plan network. In the Land Development Distribution Strategy report, it was noted that one of the adopted policies of the City calls for a review of the Regional Plan transportation network. In light of this policy, a management approach such as that recommended in the movement policy section of the proposed Plan is the most proper course for the City to proceed upon. Notwithstanding this approach, there is need of a strategy statement in which several related items need to be adressed. On the matter of a complete "transportation plan" for the City, it is felt that this is best left to be coordinated by the City during the course of the review of the Halifax-Dartmouth Regional Development Plan. The suggested contents of the transportation strategy statement are discussed below.

(1) Coordination and Procedures

One of the important elements of any management approach is the mechanisms set up to ensure proper coordination. The transportation policies, among other things, call for a review of transportation proposals against specific objectives, policy directions or statutes of the City. These review activities should be coordinated to ensure that the interplay between the Municipal Development Plan and its transportation strategy are complementary.

In addition to assessing transportation proposals themselves, there is the requirement to assess proposed developments in terms of their impact on the principal street network. Again, this will require proper coordination to ensure that adequate information is available to enable the identification of impacts within the context of the proposed Plan.

(2) Street Needs

Policy 8.6.2 in Section II of the Plan establishes a mandate to review all of those street linkages identified on Map 9 which are "not accepted" by the policies of the Plan. Those portions of the Regional Plan network will therefore have to be reviewed as part of the movement strategy.

In addition, there are detailed studies which should be carried out as part of this strategy statement to further implement the Land Development Distribution Strategy (one example of such a study which is now nearing completion relates to changes in the traffic flows of the Fairview Overpass). It is suggested that the first such study should be a detailed review of principal street needs in Mainland North given (a) that there is considerable land available for development; (b) that the City's strategy for Mainland North is to encourage residential development in the immediate future; and (c) given the completion of Dunbrack Street to Northwest Arm Drive.

(3) Functional Street Classification

It will be noted that the Municipal Development Plan identifies a two-level hierarchy for the street network (principal and local streets) rather than the system currently being used by the City. It is not intended that the former system negate the latter, but that the system put forward in the Plan better reflects the intent of the adopted Land Development Distribution Strategy. It is suggested that the street classification systems should be reviewed as part of this strategy statement.

(4) Development Control Standards

There are two aspects to development control standards which should be addressed as part of the strategy statement on transportation. The first of these is that development control standards should be reviewed as to their effect on street function and form with particular reference to the principal street network. There are several policies in the Plan which address the question of standards insofar as it relates to the requirement of any particular activity for access and egress to streets. Examples are Policies 2.1.2 and 2.1.3, dealing with commercial centres; Policy 2.3, dealing

with strip commercial development; and Policy 3.4, dealing with industrial development. Development control standards should be reviewed both with respect to activities themselves as they relate to the principal street network, but further they should be reviewed in the locational sense; that is, along particular corridors where there are competing demands on the street right-of-way.

The transportation strategy statement should also review development control standards particularly as they relate to layouts of subdivisions and large developments for conformity to the City's stance on a transit emphasis. It may be useful, for instance, to develop guidelines which help to enable efficient transit usage. such guidelines could be published and used when assessing proposals for conformity with the transit policies of the Plan.

(5) Parking

The transportation strategy statement should include an assessment of present parking requirements of the City (in the provisions of the zoning bylaws) to determine if amendments are required based on the framework provided by the transportation policies of the Plan. A review should include a study of present parking demands for land use activities with particular reference to residential land uses. This demand study should be geographically referenced and should be related to the existing transit system to determine if different areas of the City require different parking standards.

(6) Specific Policy Directions

There are several policy mandates which should be addressed in the transportation strategy statement. These are:

a. investigation of park-ride facilities (Policy 8.1.1)

b. developing and enforcing pedestrian controls to assure safety (Policy 8.3)

c. development of a program for provision of bicycle, pedestrian and skiing pathways (Policy 8.7)

Recommendation

It is recommended that the City agree to prepare the transportation strategy statement in line with the context established above.

2.3 Commercial and Industrial Strategy Statement

Mandate

Part II, Section II of the Plan defines policy directions for commercial and industrial development. The intent of the Plan is to have commercial facilities located properly with regard to the persons served by them in terms of five classes of areas: neighbourhood shopping, minor commercial centres, major commercial centres, shopping centres and a regional centre, the Halifax Central Business District. Problems with strip commercial development along principal streets are to be resolved and not encouraged as a form of commercial development.

The intents of the Plan for industrial developments are enhanced employment opportunities, and expansion in appropriate locations. Industry is viewed in terms of four broad types: harbour-related, peninsula districts, unobtrusive small-scale industries, and industrial parks.

The respective policy sections also identify further studies to be carried out. These are discussed below as proposed contents for the commercial and industrial strategy statement.

Standards

For industrial development, Section II, Policy 3.4 of the Plan calls for the City to prepare standards on which to base regulations relating to industries. For the remainder of the industrial and commercial policies, there are intentions and standards set out which should be refined in detail as part of this strategy statement. Three items stand out in the policies: (1) locations with specified boundaries; (2) buffering; and (3) the treatment of access and circulation. For the first two, the development of standards will have to be related to zoning bylaw solutions.

For the latter, there are site considerations as well as the relationship of sites to the principal street network. It will be noted that the work called for here in respect to access and circulation is complementary to that for the transportation strategy statement.

Zone Classes

Both the commercial and industrial policies define a more complex commercial and industrial hierarchy than presently exists in the zoning bylaws. As part of the work outlined in developing standards for the various levels of activity, this strategy statement should include an examination of, and recommendations for, amendments to the zoning bylaw to further refine the bylaw regulations in the context of the Plan.

Special Studies

There should be a number of specific studies to support the content of this strategy statement. These should give greater detail to the policies of the Plan and should also provide criteria for making evaluations in the various procedural elements of the Plan such as that for impact assessment. Specifically, the studies required are: (1) the ways and means by which to establish industrial parks (Policy 3.3.1); (2) the ways by which to encourage small individual industries in various parts of the City (Policy 3.3); (3) the nature of the market areas of commercial centres; (4) the development of information on retail demand in the City; and (5) investigating and setting guidelines for upgrading older developed commercial areas (Policy 2.8).

Recommendation

It is recommended that the City approve the above outline of contents for inclusion in the strategy statement on commercial and industrial development.

2.4 Planned Unit Development Mandate

Section II, Policy 1.1.2 of the proposed Plan specifically calls for a planned unit development (PUD) process and zone.

> Policy 1.1.2 On the mainland, residential development shall be encouraged to create sound neighbourhoods through the application of a planned unit development process. It shall be the intention of the City to prepare and adopt a planned unit development zone subsequent to the adoption of this Plan.

Development

In addition to this mandate, there is the direction established by the Halifax-Dartmouth Regional Plan, Objective 3(a) of which directs the three municipal councils to "... provide as part of their municipal development plans for a 'comprehensive development district' and ... establish by way of zoning bylaw provision for a 'comprehensive development district'". The Regional Plan also contained a model PUD bylaw for the consideration of the municipalities.

It will be noted that the proposed plan calls for the establishment of comprehensive development districts under the authority of Section 33(2)(c) of the Nova Scotia Planning Act. One of the areas to be addressed in developing a PUD process is that of the relationship between such a process and subdivison regulations, zoning bylaws and the zoning strategy contained herein. The contents for the proposed PUD strategy statement are outlined in more detail below.

(a) Development Standards and Process Elements

Most PUD processes in North America rely on performance criteria for development rather than the more traditional prescribed standards. The strategy statement on planned unit development should develop appropriate performance criteria to be used as part of the process for arriving at a PUD agreement. At the same time, however, this basic concept of PUD must be examined critically to ensure that a less-than-adequate development would not result from reliance upon performance criteria.

Because the basis of PUD is performance criteria rather than inflexible standards, innovation is encouraged. The strategy statement should clearly develop the relationship between Section II of the Plan and the various criteria and processes which will comprise the PUD regulations.

(2) Application of PUD Process

There are several ways to implement a PUD process. The three basic ones which should receive detailed scrutiny in the strategy statement are that PUD can be:

a. a procedure for official review of any site development proposal within a given district

b. an optional course of action for developers to follow in lieu of subdivision and zoning regulations

c. a mandatory process for any project occupying a site above a certain size

(3) Relationship to Existing Development Control Procedures

The PUD strategy statement must address the "fit" of proposed PUD regulations with existing regulations. These would include subdivision controls (discussed in Part III, Section I, Subsection 2.4), the zoning strategy (as outlined in Part III, Section I, Subsection 2.3) and the City Charter development agreement provisions (Section 538A, 539, RSNS, Ch. 52).

Recommendation

It is recommended that Council approve the general content outlined above for inclusion in the strategy statement on planned unit development.

2.5 Financial Strategy Statement

Mandate

Section 13 of the Planning Act requires that each municipality coordinate its municipal investment with the policies and objectives of its general development plan. Section 13 reads in part:

Section 13(3) A municipal development plan shall include statements of policy with respect to some or all of the following:

f) the programming of municipal investment in respect of public and private development, in terms of cost and available financial resources, including the phasing of the development or redevelopment of various areas of the municipality;

h) the coordination of public programmes of the Council relating to the physical, social or economic development of the municipality;

The spirit of the Act is to ensure that municipalities adopt a systematic approach to the management of their resources. In this context, budget allocations and planning objectives are interrelated and it is incumbent upon municipalities that their budgetary process reflect the recommendations of their development plans.

In adopting financial policies as part of the Plan (Part II, Section II, policy set number 10), the City has determined that it will prepare a set of operational guidelines to ensure that budgetary criteria are developed which reflect and promote the objectives and policies established by the Plan.

Council has incorporated policies arising from the Land Development Distribution Strategy report that delineates the specific role for capital budget programs and procedures in the overall implementation of the Municipal Development Plan. Within this framework, the Municipal Development Plan Committee recommended as part of the Land Development Distribution Strategy that:

6. ... that the City ensure that the capital budget respond to and reflect the direction set by the selected land development distribution strategy. The capital budget format shall be revised to include and indicate the complete capital program by geographic areas .... The capital budget program should ensure that:

a) the exploratory studies to identify the location and extent of problems with existing services and facilities in Mainland South, which have been undertaken under earlier budgeted projects, be continued in conjunction with capital projects to correct those problems which have been identified; and

b) the municipal services and facilities required to accommodate growth in Peninsular Halifax and Mainland North be provided by future capital projects.

While these policies suggest a review of both current and capital budgets, for the purpose of this required strategy statement the first effort should be directed toward the capital budget process with review of the current budget process left to a subsequent strategy statement. This suggestion is based on the mandate established by the development strategy, Section II, Policy 1.1.2 of the proposed Plan which defines a general strategy requiring, among other things, further articulation through the budgetary process.

Halifax City Charter Context

Prior to discussing contents proposed for the strategy statement, it is worthwhile to review the context established by the City Charter.

The Halifax City Charter, 1963, Part VII, Finance, delineates the power granted to the City for the purposes of preparing an annual budget, selected sections of which are reproduced as follows:

Section 186(1) The fiscal year of the City shall begin on the first day of January and shall end on the thirty-first day of the following December.

Section 188(1) The City Manager shall, prior to the thirty-first day of January each year, prepare and submit to the Council a budget for the current fiscal year, setting forth detailed estimates of the following:

a) the probable expenditures of the City for the year .....

b) the probable revenue to the City for the year ....

c) the amount of taxation to be derived from real property and business occupancy taxes imposed upon the rateable assessments for the current fiscal year necessary to provide the funds to meet the probable expenditures after deducting the probable revenue to the City from all other sources.

Section 189(1) The Council shall, by resolution, prior to the first day of March in each year adopt the budget submitted by the City Manager by an affirmative vote of the majority of the Aldermen or may modify, amend or revise such budget as it deems necessary and accordingly adjust the amount required from real property and business occupancy taxation to meet the proposed expenditures of the fiscal year.

Section 190 The Council resolution adopting and establishing the budget for each fiscal year shall:

a) fix the tax rate to produce the required revenue from real property and business occupancy rateable assessments; and

b) set forth the appropriations from the budget which may be expended by various departments, committees, boards and commissions of the City for the fiscal year subject to any administrative orders that may be applicable thereto.

In addition, Section 191, (a) to (bl) inclusive sets out the purposes for which revenues collected by the City will be appropriated, such as city buildings, land acquisition, streets, sewers and drains, street lighting, garbage disposal, street trees, care of property, etc.

Part VII of the Charter provides for a budgetary process and establishes not only the legal authorization for budget expenditures, but dictates how and for what purposes revenue will be raised and spent. The primary point to

be noted for this required strategy statement is that the way in which these budgets are organized and implemented is contingent upon administrative discretion. There is considerable room for amending the budget process without stepping outside the bounds of the Charter.

Proposed Contents

It is suggested that the strategy statement deal in some detail with four major subject areas: (1) a review of the present capital budget process; (2) information requirements by geographic area; (3) performance measures; and (4) procedural matters as they relate to the Municipal Development Plan.

(1) Capital Budget Process

Given the complex nature of the present Capital Budget process and the need to coordinate Municipal Development Plan policies with Capital Budget projects, there should be an overall review of the present capital Budget process in terms of the timing of its preparation (e.g., submission deadlines), the stages of staff review, format, and so on, for the purpose of identifying administrative requirements and development priorities. This review should be coordinated with procedures such as those identified in Part III, Section II of this document on monitoring and maintenance. The essence of the review will be to identify any amendments which should be made to the capital budget process to ensure that consistency with the Municipal Development Plan is maintained.

(2) Information Base by Georgraphic Area

It was noted in the Land Development Distriution Strategy policy above that capital budget information should be collected and displayed by geographic areas as well as by functional classification. Therefore, the strategy statement should include the development of a reliable information system that would reflect current capital budget commitments and develop a control mechanism for future capital programs within the context of the Municipal Development Plan. That system should include provision for a general geographic control grid as a basic element. This grid should serve to provide efficient methodology whereby departments

would be able to correlate their particular administrative requirements with those established under the Municipal Development Plan.

(3) Performance Measurement

It is not enough simply to revise the format of the capital budget and make intuitive conclusions on how effective or ineffective budget proposals are in terms of the Plan. More effective and precise means to measure the result of capital expenditures against the City's objectives and policies in terms of the appropriate geographic area should be examined. Therefore, the strategy statement should include recommendations on measures of performance around the general themes of level and quality of service for existing populations and of cost/benefit effectiveness in programing expenditures for those areas where future population is to be encouraged. It is hoped that such measures would more readily enable explicit identification of priorities for capital projects or perhaps more importantly, for packages of capital projects.

(4) Procedural Matters

From the review of the capital budget process, the information base and the performance measures, the strategy statement should address procedural considerations as they relate both to City staff and to the way an annual capital budget is submitted to City Council. It is suggested that the procedures should be as explicit as possible and should be available in a procedures manual form so that as much certainty as is possible exists for staff, Council, committees and the public.

Recommendations

1. **It is recommended that** Council approve the general content outlined above for inclusion in the required strategy statement on finance as it relates to the City's capital budget process.

2. **It is further recommended that** Council instruct staff, subsequent to review and adoption of the capital budget strategy statement, to prepare a strategy statement to deal with current budgeting as it relates to the Municipal Development Plan and programs.

2.6 Housing Strategy Statement

Mandate

Several of the policies in Part II of this document point to the need for a strategy statement which would provide a policy context from which detailed housing or housing-related decisions can be made. There are, for instance, policies relating to the location and distribution of residential development and to the mix of residential housing types desired in any given neighbourhood. In addition, there are ongoing discussions and considerations initiated through the work of the Housing Task Force which revolve around matters related to such things as a muncipal housing corporation, encouraging senior citizen housing, and so on. It is suggested that a housing strategy should be consistent with, and reflect the general policy directions of, the Municipal Development Plan. For this reason, this section recommends that such a strategy be developed. Also included in this section are a list of considerations which should be addressed in the preparation of such a strategy statement.

Housing Study

Prior to the discussion of those elements which a housing strategy is recommended to contain, some discussion is warranted on the matter of a housing study. The policies of the plan, supplemented by the report Land Development Distribution Strategy, set out a general strategy for this distribution of residential development to be pursued by the City. To some extent the success of any strategy is dependent upon the housing market of the City and the region. Any strategy prepared by the City must be cognizant of the regional market. This entails a great deal of study which must, of necessity, be carried out for the region and not for Halifax alone. It is not therefore felt that such a study should be carried out by the City of Halifax. It is suggested that the required strategy statement called for include alternatives for encouraging the other municipalities in the region and the Province to cooperate in seeing that such a study is completed. The Metropolitan Area Planning Commission would appear to be the most appropriate agency to undertake such a study.

Detailed Policy Directions to be Addressed

There are many policy directions relating to housing established by the Plan. The list below, while by no means comprehensive, is recommended as providing the general structure for a housing strategy statement from the viewpoint of the City of Halifax.

1. The strategy will be required to provide guidance on ways to achieve an adequate selection of housing types with associated costs compatible with the needs of the population and consistent with the policy directions in terms of distribution of population of the proposed Municipal Development Plan.

1a. More specifically, it should develop ways to evaluate housing needs in terms of the adequacy of housing for existing residents, the needs of persons who are currently unable to participate in the housing market, and the needs of new households which are forming in the City of Halifax and in the surrounding region, and on these bases, to develop appropriate detailed housing strategies.

2. Provided Council has not already reached a decision, the strategy should investigate the concept of a municipal non-profit housing corporation with a view to identifying clear policy direction and operating objectives, consistent with the policy directions established by the proposed Municipal Development Plan.

3. The strategy should require the investigation of servicing and site planning standards of the City with a view to determining and maintaining these standards at a level which ensures proper service levels but is also consistent with the need to ensure housing availability.

4. The strategy should provide for the investigation of appropriate planning and administrative procedures, if necessary, to ensure that the policy directions of the City with respect to housing are furthered and, more specifically to ensure that the housing objectives of the non-profit housing corporation, should it be established by the City, would be met.

5. It should also investigate alternative means to encourage regional cooperation and participation by the Province in developing a regional housing study and coordinating various housing policies of the three municipalities and provincial agencies.

Recommendation

It is recommended that the City approve the general contents outlined above for inclusion in the housing strategy statement.

SECTION II

MONITORING, MAINTENANCE AND REVIEW

Introduction

The Planning Act, Chapter 16 in Section 20(c) sets a time frame of not later than five (5) years from the adoption or last review of a municipal development plan for a review of the plan. Given the nature of the planning process established by the City in this document, it is felt that more frequent review of this plan, the progress on further detailing, and on attendant procedures and bylaws should be done more frequently.

In this document, primarily in Part III, there is identified a significant number of strategy statements which derive their mandate from the plan policies in Part II and which should be pursued as part of an ongoing process. In addition, in Section III there is a number of procedures identified which will require periodic review to ascertain their continued relevancy as circumstances change over time. There is also provision in this section for the identification of additional areas of work which may be required to further the plan or its management. A municipal development plan with attendant programs, procedures and bylaws requires continual management and review. It is the purpose of this section to outline those things which should, or must, be done to maintain information and feedback adequate to keep the Plan and process relevant to the needs of the City.

In the subsection below, specific procedures are put forward for an ongoing review process to be adopted as part of the City's procedures arising from the Municipal Development Plan. The subsections are organized (1) to reflect the need to review various statistical indications and to identify their implications on policy directions established in the Plan; (2) to report on Plan performance, including progress in its further development as called for in Section I of Part III; (3) review the performance of strategies adopted pursuant to Section I, Part III; and (4) to make any recommendations for amendments to the policies of Part II or of the strategies, policies, procedures or programs of Part III.

(1) Statistical Indicators and Plan Implications

Procedure 1. The City shall develop a data base to be updated annually which shall include but not be limited to the following topics:

1.1 Population trends for the City and Region (population levels, population distribution, age/sex breakdown, City school enrollments, household size, etc.)

1.2 Physical development trends

a) residential (areas of expansion, decrease/increase in stock, conversions, type of units added to stock, number and location of special housing, type, etc.)

b) commercial and office (changes in commercial activities by area and type)

c) industrial (changes in industrial activities by area, type and amount)

d) institutional (changes in institutional activity by area, type and amount)

1.3 Public infrastructure

a) transportation facilities - roads, transit systems, pedestrian paths (expansion of road network, traffic problems, pedestrian-vehicle conflicts, increase/decrease in transit services and in demand)

b) sewers (location of expansion of facilities, additional needs, effect on residential development)

c) water (location of expansion of facilities, additional needs, effect on residential development)

d) recreation (location of facilities, additions to stock of land and buildings)

e) health and community facilities (areas of expansion, identification of new areas of need)

1.4 Environmental protection (use of new programs, adequacy of these programs, use of PUD, damage to areas; all subsequent to review and adoption of relevant strategy statements)

1.5 Heritage resources (demolition of buildings, identification of additional resources, etc.)

1.6 Municipal budget (amount spent on each of 1.3 to 1.5 above)

1.7 Other information as required

Procedure 2. The City shall, on the basis of the data developed in Procedure 1, prepare an annual report to be completed by June 30, assessing the implications of the indicators for the City, the Plan, and its attendant programs and bylaws.

Procedure 3. Notwithstanding the generality of the foregoing, the City shall, for the Central Business District and the Halifax Waterfront Development Area, review its policies affecting development in these areas at least every two years from the date of adoption of this plan by City Council, and shall, as part of that review, ensure the proper coordination between objectives and policies for the HWDA, the CBD and the City as a whole.

Procedure 3.1. The City shall review the estimate of commercial amount (floor space) and types for the Central Business District and the allocation of these uses for the Halifax Waterfront Development Area at least annually and shall include in its review consideration of the applicability of the Regional Plan horizon date of 1991.

Procedure 4. The City shall continue to maintain and update its land use survey information on a monthly basis.

(2) Plan Performance

The City shall review a report prepared by City staff by September 30 of each year which shall include the following:

a) progress in the development of the Municipal Development Plan programs as called for in Section I of Part III

b) a review of the performance of the strategies adopted pursuant to Section I, Part III

c) a statement of the work to be completed in the next reporting period as it relates to Section I of Part III

d) recommendations for the alteration of or amendment to the policies of Part II or of the strategies, policies, procedures or programs of Part III

e) recommendations for the alteration of or amendment to the policies of Part II or of the strategies, policies, procedures or programs based on the assessment of the implications of statistical trends in terms of the policy intents of the Plan

(3) Comprehensive Plan Review

In accordance with the provisions of Chapter 16, Section 20 of the Nova Scotia Planning Act, the City shall submit each five years from the coming into force of the Municipal Development Plan or from the last review, all annual reports together with any additional recommendations to the Minister of Municipal Affairs.

SECTION III

ADMINISTRATION AND PROCEDURES

Introduction

In this section the various statutory and City procedures for amending or altering any part of this document are set forth. The purpose of this section is to ensure that all statutory procedures are known and included as part of this document, and further to propose those additional procedures that the City should follow in maintaining and adding to the Municipal Development Plan programs, procedures and attendant bylaws as well as in determining appropriate amendments to the Plan itself.

It will be noted in Part III, Section I that a strategy statement dealing with a Planning Advisory Committee is put forward. For the purposes of the present document, this section on administration and procedures refers to the Municipal Development Plan Committee (MDPC) as the advisory body reporting to Council on matters relating to the Plan.

(1) Statutory Procedures for Adoption, Amendment, Revision, Deletion or Repeal of Plan Policies (Part II of this Document)

In the Planning Act, Chapter 16, Part III, a process is established which must be followed by the Council in considering adopting, amending, revising or repealing a municipal development plan. These procedures in Part III, Sections 14-18 of the Act are:

> 14. The Council may by bylaw passed by a majority vote of the whole Council adopt a municipal development plan.
>
> 15(1). The Council shall, before adopting, amending, revising or repealing a municipal development plan, give notice of its intention to do so by an advertisement inserted at least once a week for two successive weeks in a newspaper published or circulating in the area affected, the first of such notices to be published at least three clear weeks before the date fixed for the consideration of objectives.

15(2). The notice shall state a place where, and the hours during which, the plan may be inspected by any interested person and the time and place set for the consideration by the council of written objections to the adoption, amendment, revision or repeal of the plan.

15(3). The council shall make suitable provisions for inspection of the plan by interested persons, and before its adoption, amendment, revision or repeal shall consider and determine all written objections thereto.

15(4). The council may by resolution delegate to an official of the municipality the authority to fix the time and date on which the matter will be considered, to prepare the advertisement and to give on its behalf the notice referred to in subsection (1); such resolution shall remain in full force and effect until rescinded by a subsequent resolution of the council.

15(5). It shall not be necessary in the advertisement to describe by metes and bounds the area to be dealt with by the proposed bylaw, but the advertisement shall contain a plan or map adequate to identify the area.

16(1). A municipal development plan and every amendment, revision or repeal of the plan shall be subject to the approval of the Minister.

16(2). The Minister may approve a plan notwithstanding that any of the studies required by subsection (2) of Section 13 have not been carried out or that any of the matters required by subsection (3) of Section 13 have not been included if, in the opinion of the Minister, it is unnecessary or undesirable that such studies be carried out or such matters be included in the plan.

17. The application to the Minister for his approval of a plan or an amendment, revision or repeal of a plan shall be accompanied by:

a) proof by statutory declaration of compliance with the requirements of Section 15;

b) a copy of all written objections;

c) a copy of the report if any of the planning advisory committee under Section 22 or the District Planning Commission, where one exists, in which the municipality participates.

18(1). Upon approval by the Minister of the plan, or the amendment, revision or repeal thereof, the municipality shall publish a notice in a newspaper published or circulating in the area affected stating that the plan or amendment or revision or repeal has been approved and the place it may be inspected.

18(2). A copy of the notice shall be transmitted to the Minister and a copy of the plan, amendment, revision or repeal, signed by the Minister, shall be filed in the office of the registrar of deeds for the registration district in which the lands are situate without proof of the signature or the official character of the Minister.

(2) Procedures for Adoption, Amendment, Revision, Deletion or Repeal of Plan Policies (Part II of this Document)

The procedures outlined below relating to amendment, revision, deletion or repeal of plan policies, while similar in result to those procedures noted in Section 4 below, are intended to be distinguished from them based on the context within which proposed amendments may arise.

Prior to commencement of the statutory process outlined in Section 1 above for plan amendments, revisions or repeals, the City shall follow the procedures hereinafter set forth in reviewing any proposed amendments of the Municipal Development Plan.

1. All proposed amendments to the Municipal Development Plan shall be referred to the Municipal Development Plan Committee or its successor for review and advice.

2. The Committee in its review shall:

a) require a staff report on the proposed amendment if such a report is not a part of the referral from City Council

b) give notice of intention by advertisement in a newspaper circulated throughout the City to hold a public meeting to hear the opinion of any interest person on the matter

c) hold the public meeting within four weeks of the date of referral of the matter from City Council at a place and time convenient for the public

d) receive any written submissions by interested persons or groups on the matter up to and including the date of the public meeting

e) advise City Council at its next regular meeting or as soon as is reasonably possible thereafter of the action it should take with respect to the proposed amendment; it should include all written submissions and a summary transcript of all oral submissions made to the Committee at the public meeting in its report to City Council.

(3) **Procedures for the Adoption, Amendment, Revision, Deletion or Repeal of: Strategy Statements, Monitoring, Maintenance or Review Policies, or Administrative Policies and Procedures Not Requiring Approval by the Minister**

This section sets forth procedures for amending Part III of this document which, as noted in the introduction, include policies, programs and procedures of the City which do not require ministerial approval under the provisions of the Planning Act.

In considering any proposed changes to Part III of this document, the City shall follow the steps described below:

1. Initiation of proposals regarding changes to Part III may be made by City Council, City staff (through a staff report to City Council), any interested person (through a request to City Council), or directly to the Committee. In all cases the proposed change should be referred to the Committee for review and advice.[1]

2. In its review, the Committee shall

a) give notice of its intention to hold a public meeting to receive oral submissions from any interested person on the proposed change by advertisement in a newspaper circulating throughout the City

b) hold the meeting at a place and time convenient for the public, not later than eight weeks from the date when the matter was referred to the Committee

c) if no staff report accompanied the request from Council, the Committee should, and in any event may, require a staff report on the proposed change. The Committee may call staff to testify before it and to give professional judgement or advice.

d) provide that the proposed change is made available to the public at a place convenient to the public along with the staff report at least four weeks before the date of the public meeting

e) receive written submissions from any interested person or group on the proposed change up to and including the date of the public meeting

f) advise City Council of the action which it should take in respect to the proposed change no later than four weeks from the date of the public meeting, such advice to include copies of all written submissions, the staff report and a summary transcript of the public meeting proceedings.

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1 "Committee" refers to the Municipal Development Plan Committee or to the Planning Advisory Committee when constituted.

(4) Procedures for the Adoption, Amendment, Revision, Deletion or Repeal of Detailed Area Plans

In this subsection two sets of procedures are put forth, the first dealing with the detailed area planning process itself, and the second dealing with the City and statutory processes for reviewing and adopting detailed area plans as amendments to Part II and attendant programs, procedures and bylaws of this document.

The procedures relating to the detailed area planning process as distinct from the process for adopting them are suggested below and are based on the official City report entitled Areas for Detailed Planning.

1. In accordance with Part II, Section II, the City shall encourage and foster public involvement of area residents in each detailed area plan.

2. The citizen participation procedures shall be defined by the City and area residents in each designated area.

2.1 In the process of defining such procedures the City shall ensure that local circumstances are taken into account.

2.2 The procedures shall be sufficiently flexible to allow for a variety of processes to be undertaken but the procedures shall be developed within the context of the intent of the City that a detailed area plan be prepared and submitted to City Council and the Minister of Municipal Affairs for adoption and approval respectively as an amendment to the Municipal Development Plan, Part II of this document.

2.3 The procedures shall ensure that the context provided by the Municipal Development Plan, Part II, Section II of this document are addressed and considered in the detailed area planning process for each area.

3. The order in which the detailed area plans will be commenced shall accord with the adopted policies of the official City report entitled Areas for Detailed Planning or any amendment thereto.

4. The City shall review all plans for all areas prepared by area residents in accordance with the review process for detailed plans outlined below.

For the review and adoption process for detailed area plans submitted to City Council, the following procedures shall apply:

1. Prior to commencing the statutory process defined in Section II, Subsection 1 for detailed area plans, the City shall follow the steps listed below:

a) City staff shall refer the proposed detailed area plan to the Committee for review and advice prior to submitting it to City Council

b) the Committee shall give notice by advertisement in a newspaper in general circulation throughout the City of its intention to hold a public meeting to receive all oral submissions on the proposed amendment to the Municipal Development Plan and its attendant programs, procedures, strategies and bylaws

c) the Committee shall hold such public meeting at a place and time convenient to the public within or adjacent to the area for which the detailed plan has been prepared prior to submitting such plan to City Council

d) the Committee may require additional staff reports on the proposed detailed area plan

e) the Committee shall make copies of the proposed detailed area plan and of the staff report available to the public four weeks prior to the date of the public meeting

f) the Committee shall receive written submissions on the proposed detailed area plan up to and including the date of the public meeting

g) the Committee shall advise Council of the action it should take with respect to the proposed detailed area plan and shall include as part of its advice copies of the staff report, all written submissions by interested persons or groups, and a summary transcript of the public meeting proceedings.

(5) Procedures for Adoption, Amendment, Revision or Deletion of Zoning Bylaws Adopted Pursuant to this Plan

In this subsection the statutory procedures for adoption, amendment, revision or deletion of the zoning bylaws adopted pursuant to this Plan are identified. In addition, City procedures are put forth which, while not statutory requirements, are felt to ensure proper review of proposed changes to the bylaws. The statutory provisions contained in Part VII of the Planning Act are reproduced below. It will be noted that Section 38 is the key section in this regard insofar as the procedures in this subsection of the document will relate to changes in zoning bylaws which are adopted under the Planning Act.

36(1) The Council shall give notice of its intention to pass a zoning bylaw by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area affected.

36(2) On or before the date of the publication under Subsection (1), a copy of the notice shall be given to the clerk of each municipality within three miles of the municipality intending to pass the bylaw.

36(3) The notice shall state a place where and a time during which the zoning bylaw may be inspected by any interested person and the time and place set for the consideration by the council of written objections to the bylaw.

36(4) The council shall make suitable provisions for inspection of the zoning bylaw by interested persons and, before passing the bylaw, shall hear and determine all written objections thereto.

36(5) The council may by resolution delegate to an official of the municipality the authority to fix the time and date on which the matter will be considered, to prepare the advertisement and to give on its behalf the notice referred to in Subsection (1); such resolution shall remain in full force and effect until rescinded by a subsequent resolution of the council.

36(6) The council may require the planning advisory committee appointed under Section 22 to hear objections from the public and submit a report to the council.

36(7) Two copies of the zoning bylaw, certified as correct by the clerk of the municipality, shall be transmitted to the Minister for his approval, and the bylaw shall not have effect until approved by the Minister.

36(8) Proof of compliance with the requirements of this section by statutory declaration of the clerk together with a copy of all written objections to the zoning bylaw, a copy of the report of the planning advisory committee if one exists and a copy of the report of the district planning commission if one exists, shall accompany the bylaw when submitted to the Minister for his approval.

36(9) The Minister may refuse to approve a zoning bylaw where in his opinion the provisions therein contained are in conflict with or are unnecessary or inadequate to carry out the intent of the municipal development plan or for any other reasons.

36(10) The provisions of a zoning bylaw shall be severable and the illegality of any part thereof shall not affect the validity of the remainder of the bylaw.

37. A zoning bylaw shall be reviewed by the council:

a) when the Minister considers it necessary; or

b) when the Council considers it necessary: and

c) in any case not later than five years from the adoption of the bylaw or from the last review.

38(1) The council may by bylaw amend, revise or repeal a zoning bylaw passed under this Act and Subsections (1) to (6) inclusive of Section 36 shall apply mutatis mutandis; and a bylaw passed under this subsection does not require approval of the Minister.

Where a proposed amendment is an amendment of the map or of the plan attached to and forming part of the bylaw, the notice required to be given under Subsection (2) of Section 36 need not be given to the clerk of each municipality within three miles of the municipality intending to pass the bylaw, but only to the clerk of each municipality within three miles of the property affected by the proposed amendment.

38(2) The notice required to be published in the newspaper under Subsection (1) of Section 36 shall set forth: a synopsis of the content of the bylaw amending, revising or repealing the Zoning Bylaw, a statement of the effect of the change on the Zoning Bylaw regulations, and the reasons for the amendment, revision or repeal; and a copy of the notice shall be filed with the Director within five days after its publication.

38(3) Upon the passing of a bylaw amending, revising or repealing the Zoning Bylaw, the council shall give notice of its passing by an advertisement in a newspaper circulating in the area affected; and a copy of the bylaw together with proof of compliance with the requirements of this section and all written objections to the bylaw and a copy of the reports if any or the district planning commission if any shall be filed with the Director within ten days of the passing of the bylaw.

38(4) An interested person, the Director or the Council of any other municipality may within thirty days of the publishing of the notice under Subsection (3) appeal to the board and the board may:

a) confirm the decision of the council; or

b) confirm the decision of the council with respect to all or part of the land in issue subject to such conditions as the board may prescribe; or

c) reverse the decision of the council amending the Zoning Bylaw.

In addition to the statutory procedures identified above, City procedures are suggested to supplement the review process for changes to the Zoning Bylaw:

In addition to the statutory requirements for considering proposed changes to the zoning bylaws adopted pursuant to this Plan, City Council shall:

a) refer all proposed changes to the Zoning Bylaw (but not necessarily rezoning) to the Committee for advice to be accompanied by the staff report on such proposed changes

b) require that the Committee report back to Council stating the action which the Committee would recommend no later than the date set for the public hearing on the matter.

(6) **Procedures for Amendment, Revision, Deletion or Repeal of Subdivision Regulations**

Part IX, Section 49(8) of the Planning Act requires that a subdivision bylaw be approved by the Minister of Municipal Affairs. In the case of the City, subdivision regulations and an attendant bylaw adopted by City Council on June 16, 1977 were approved by the Minister of Municipal Affairs on August 5, 1977. There is no statutory requirement for a public hearing to amend a subdivision bylaw. City procedures are put forth below to ensure that any proposed amendments to the subdivision bylaw are reviewed for conformity with the Municipal Development Plan.

1. The City shall, when considering proposals to amend the subdivision bylaw, refer such proposals to the Committee for review and advice as to their conformity with the Plan.

2. The Committee may choose to require a public meeting to receive opinions of any interested person or group on the proposed amendment.

2.1 The Committee shall report to City Council recommending action on the proposed amendment as expeditiously as possible and shall include any written submissions and a summary transcript of the public meeting proceedings, if any, in its report.

2.2 If the Committee determines that a public meeting should be held, it shall follow the procedures as identified in Section III, Subsection 3 above.

(7) Other Ordinances and Bylaws

As ordinances and bylaws which relate to the Municipal Development Plan are reviewed, they should be brought into conformity with the provisions of the Plan. The procedures outlined below provide that such ordinances and bylaws are reviewed for conformity with the Plan.

In addition to the procedure established by Ordinance 102, respecting the introduction, passing and repealing of ordinances, City Council shall, in reviewing ordinances and bylaws of the City, refer those ordinances and bylaws to the Committee where they relate to the provisions of the Municipal Development Plan in order that the Committee may expeditiously advise City Council as to the conformity of the proposal to the provisions of the Municipal Development Plan.

(8) Development Officer

The Planning Act stipulates several functions to be carried out by the development officer of the City relating to bylaws adopted pursuant to the Municipal Development Plan or to provisions of the Act with respect to minor variances. Specifically, Part VII, Section 43 provides that the development officer of the City administer the zoning bylaw and grant development permits under the bylaw. Part VII, Section 44 provides that the development officer may grant minor variances from the bylaw with certain stipulations. Finally, Part IX, Section 49(4) provides that the powers and duties of the Council in respect of subdivision bylaws and regulations, except the power to adopt, amend, revise, or repeal such bylaws and

the powers vested in the Council with respect to the Council's authority to amend or repeal a plan of subdivision on its own motion, be delegated to the development officer of the City.

Given that the City, in adopting the various recommendations in this document, will be adopting a municipal development plan with attendant bylaws, it is felt that the role of the development officer in respect to the ability of one person to carry out the various functions prescribed by the Planning Act should be reviewed.

Therefore, it is recommended that the role of the development officer should be reviewed approximately one year subsequent to the adoption of this Plan, that review should address the powers, duties and responsibilities of the development officer, a review of the administrative procedures in terms of their efficiency and a review of alternative options for the City to pursue with respect to the role of the development officer, should alternatives be determined desirable to be examined.

(9) **Planning Advisory Committee**

It was noted in the introduction to Section III, Part II of this document that the advisory bodies which City Council may wish to establish (and therefore the various procedures outlined in this section) are dependent upon a review of the strategy statement on the planning advisory committee.

Therefore, it is recommended that the various procedures outlined in Part III, Section III of this document be amended as appropriate subsequent to review and adoption of the strategy statement on the planning advisory committee.

(10) **Capital Budget Review**

Part III, Section I of this document identifies a required strategy statement with respect to the capital budget process of the City and any changes which should be investigated and proposed therein to ensure conformity with the Municipal Development Plan and process. The procedure identified below is put forward for the purposes of ensuring such review.

1. City Council shall refer the proposed capital budget program each year to the Committee for review and advice prior to adoption of that program.

2. The Committee shall review the capital budget program for conformity with the Municipal Development Plan and shall advise City Council on the action it should take with respect to the proposed capital budget program.

3. Upon completion and adoption of the strategy statement with respect to the capital budget program, the procedures contained herein shall be amended accordingly.

(11) **Official Document Copies**

The City shall maintain five official copies of the Municipal Development Plan. These copies shall be located one each in the office of the City Clerk, the office of the City Manager, the office of the Director of Planning, the office of the Director of Development, and the office of the City Solicitor. These copies shall be serially numbered, registered and shall be maintained up-to-date showing the latest date of revision and a table of changes. All other copies shall be marked "unofficial".

The City should identify a means for maintaining a limited number of registered up-to-date unofficial copies in public libraries and similar places generally accessible to the concerned public.